

reasonably sufficient amount of money for development of the transferred departments, had there been the will to work the system with Ministers in power with a stable majority, Dyarchy might have been very successful. At any rate, I have never been able to extract from any critic proposals defining any alternate form of Constitution which could have brought more success. Dyarchy does give Ministers the Power to achieve much for the progress of Social Reform.

During the first three years of the Reforms, the new Constitution—Dyarchy—functioned fairly well in this Province. Sir Surendra Banerji, Sir Provas Mitter and the Nawab Ali Choudhury, with the exception of the Act which brought into being the Calcutta Corporation, were able to do but little except administer their departments, because the Weston Settlement deprived Bengal of the means to progress at all. Every department had to be cut to the bone. The want of money killed Dyarchy's chance of success in Bengal. It has harmed Bengal much more than that. But had the Ministers been able to do something for the betterment of the people—and how urgent that is the Commission cannot comprehend, unless they visit the real mofussil—there would not have been the landslide with the Swarajist victory in 1924.

Dyarchy's defects are fairly obvious. The divided responsibility, each Minister directly appointed by the Governor, the verdict of the Council being given in the Budget vote or with a vote of no confidence. No Ministry as such, working together as a ministry with a policy. Whether it will even be possible to find such a Ministry, unless and until the communal difficulty be removed, is a moot question. Then, the period is too short, especially for a country where Democratic Government is new. A Minister only begins to learn his job and to get hold of the strings in three years. If it were five years, then there would be more hope of real achievement.

The Ministers are too few and each has too many departments, especially since the number has been only two. As soon as he takes office, he is overwhelmed with files and administrative detail. Heads of department ask for orders and instructions on this and that, and the Minister is involved in a perfect maze. He cannot find time to study the real problems of any department, and to evolve a real policy.

Again, he is badgered and worried by a host of applications from political supporters and others for jobs and billets for relations and friends. The communal question intensifies the difficulties here very much, and a Muhammadan suffers the most, because there are considerably fewer of his co-religionists in subordinate office, and the community thinks—and rightly thinks—that there should be a more just division. No Britisher from Home can possibly imagine the amount of worry—and work of a kind—that comes to a Minister in this way. And when that Minister is not sure of his majority, and does not want to lose one supporter in the Council, his difficulties are, indeed, very trying.

There has been considerable criticism of Dyarchy from ex-Ministers, and especially from those not long in office. The fact that it is so hard to rise above the maze of administrative detail to concentrate upon the real work of his office accounts for part of this criticism. But there is another reason for this criticism and this is the Indian uneducated idea of a Minister's position and powers. Many, apparently, think that a Minister should be in power like a small Mussolini, with unlimited money and vast power. As yet, the Indian—or so it seems to me—does not comprehend the fact that a Ministry must hammer out its general policy as a Ministry, with distribution of what funds there are, in accordance with that policy. Indians take but little account of the commitments of Government before their time for schemes and projects already under weigh.

Now, of these defects that I have mentioned, some are due to the non-experience of the Indian and

to the fact that he has yet to learn not only to administer, but even the ordinary outline of democratic government itself. Some defects are due to the fact that a Minister, an untrained administrator usually, is treated by his Secretariat much as is the Member of Council. The British Member has twenty years of administrative training, while the Indian has not the political equation to bother them. Other defects are inherent in the present constitution.

But my point is that Dyarchy can be improved, and upon its basis a new constitution can be evolved, giving more responsibility and more of that experience and trial of the art of government which I believe to be essential before full responsibility be granted in the Provinces.

(4f) There is one most important point, which must be constantly remembered by every student of Indian affairs, when he attempts to grasp the position and growth of Parties, both in the Assembly or in the Bengal Council. A Member of the Council may have joined the Swarajist Party, or the Liberal or the Union—the name does not matter—but if and when certain questions arise all that fades like a cinema picture, and the Indian Member becomes at once just Hindu and Muhammadan. Constantly and frequently the communal question alters a situation, and asides of it, so to speak, crop up in the most unlikely places. I will give an instance, an illustration which may be more interesting than my personal observations.

In the 1924-6 Legislative Council the Government of Bengal brought forward a Bill for the Reform of Local Self-Government. The object of the Bill was to democratise the whole system, bringing it into line with the Constitution. Now, all parties and every member recognized that such a Bill was desirable, and, on the whole, the provisions and proposals in the Bill were approved. The Bill did not go far enough to satisfy the Swarajists and Radical Members. In spite of that, however, on the merits of the Bill itself, there would have been a majority in favour of about 20. Then there arose this curious situation. The Swaraj Party at that time contained 13 Muhammadan Members. Mr. C. R. Das was dead, and there were signs already of the decline of Swarajist influence. The one idea of the Swarajists, then, was to keep the Party together. But if this Bill was even presented for a first reading, at once the question of communal representation would arise in full cry. The Swarajist Muhammadans would vote solid Muhammadan, and the majority of the Swarajist Hindus would actively oppose—it might indeed break the Swarajist Party altogether. Its leaders took hurried counsel—they made the matter a Hindu question without informing the Swarajist Muhammadans, and by combining with the Moderate Liberal Hindus on the other side, the combined Hindus prevented the introduction of the Bill, on the grounds that it was a reactionary measure, much to the amusement of the Government Member in charge of the Bill, for he had heard nothing of the subterranean intrigue.

The Swarajist Party is the only one which is organized with any efficiency. It captured the Congress organization and used that. The victory that it won in 1924 was due partly to this organization, with no opposition of the same nature, with the younger vocal element to assist. The Swarajist victory left but the remnant of the Liberal Party, and with the Swarajists was a nearly allied group calling itself the Independents. Besides that the party actually attracted quite a number of Muhammadan Members—a remarkable achievement, for the Swaraj or Congress Party is in reality the Extreme Hindu Party.

The Party was organized and made by Mr. C. R. Das, a remarkable and talented individual whom Bengal could ill afford to lose, and who had the respect and regard, for his sincerity and patriotism, of his political opponents, who only regretted that his talents were not devoted to constructional work. Since Mr. Das's death the Party has been slowly

declining in numbers and influence, though it has retained its place as the main anti-Government Party by its appeal to the Nationalism of the Bengalee people, by specially identifying itself with the cause of the Political detenus, and by the sway that these have over the younger and more impressionable generation.

But leaving the Swaraj Party aside—and even there several times discipline has nearly broken—what has struck one most during the life of the last two Bengal Councils has been the influence of what one may call “personalities.” Personal feeling, personal like and dislike, feuds or quarrels between leaders or would-be leaders—time and again these have prevailed over Party ties and election pledges. More than once ex-Ministers have been seen voting with the Swarajists in attempts to defeat other Ministers. In the second Bengal Legislative Council there was a small majority for Dyarchy—to give the Constitution a chance. But Mr. C. R. Das's influence together with, and taking advantage of, this tendency towards personalities was able just to defeat Government and the pro-Constitution groups.

The years 1924, 1925 and 1926 saw the gradual increase of the acute inter-communal hate and discord, and at the election at the end of 1926 only one Muhammadan was returned as a Swarajist. It seemed for a while as though a United Moslem Party might dominate the situation. But then again came into play this matter of personality, with a split into two of the Party. One group followed Mr. Ghuznavi and another Sir Abdur Rahim. To begin with there appeared to be no political differences between these leaders, but their differences were accentuated by the fact that Lord Lytton nominated Sir Abdur as a Minister, and he found it impossible, on account of his acutely pro-Muhammadan opinions as expressed in his famous Aligarh speech, to find a Hindu colleague to work with him. Many of us thought that it would have been wiser, and better for the Province, if Lord Lytton had offered a Ministership to both of the Muhammadan leaders, when probably at least one Hindu of influence could have been found to work with them. But the opportunity was lost. Mr. Ghuznavi succeeded where Sir Abdur failed, and Mr. Chakravarti joined the former as a Minister. Sir Abdur Rahim went into active opposition, and with the Swarajists and with deserters turned out that Ministry in August, 1927. Then after a period of investigation, Sir Stanley Jackson appointed Sir Provas Mitter and the Nawab Musharruf Hossain. They have survived, in spite of the intrigue of the defeated Ghuznavi Group, and more remarkable, in spite of the fact that Sir Abdur Rahim has again endeavoured to evict the Muhammadan Minister. The Nawab Musharruf Hossain was Sir Abdur's lieutenant and nominee. But later there was one of the quarrels which are so frequent, and they too are now at enmity.

I have given this account in the attempt to show the dominance of this feature—personal feeling—prevailing.

The tendency therefore is for the formation of small groups under leaders and would-be-leaders.

Another feature of the situation is the very considerable number of members of the Council who are candidates for the office of Minister. It would astonish the Commission if they could actually see how many there are—gentlemen who cannot understand why they have not been selected. Often these would-be Ministers have no following, or hardly any followers, and they often also appear, at any rate, to have no outstanding ability or recommendation in themselves for office.

The whole position lacks stability. Groups and little parties shift and change like the sands, and it is difficult to foresee what will happen a month or two ahead.

The British Group of 16 members has, of course, since the initiation of the Reforms, fought consistently and steadfastly to give the Constitution and the Law

the chance to function. The Group is organized and works as one, and it has been the one factor in aid of steadiness and stability. In the absence of outstanding speakers or debaters on the Government benches, the British non-Official has generally led the debate pro Dyarchy. But there has been so much intrigue, and so much by-play, amongst the Muhammadan and Liberal Groups—during these past two years—that the British Group has been led to the determination, that, should the present Ministers be defeated, it will stand aside and support no more.

Since 1924 the Council has wasted its time in this constant intrigue and faction fight. The majority in favour of the Constitution, as voted in the last Budget motion of Ministers' salaries, was 80-40. And yet a stable Ministry cannot be formed. On the other hand, the condition of the people is one crying for amelioration. There is a huge field awaiting Reform—health and water supply, agriculture and education. There is now a little money—not much it is true—but sufficient for the commencement of progress. Nothing, or very little, is being done, because the representatives in the Council follow the example of their leaders, who quarrel amongst themselves as to who should be Ministers. They cannot sink their differences for the sake of their constituents, who need so much and receive so little of all that makes life worth living.

I say, therefore, that the proposals which I have made are the limit that can be safely given, until there has been more education—education in the duties of leaders, and of representatives to their constituents, with less thought of themselves, and what they personally hope to gain from their position as Members of the Council.

4. (c) (d) and (e) I have made my proposals, because I think that there must indeed be some attempt at the collective responsibility of a Ministry, and the elimination, if it can be done, of the individual Minister effect. It is the communal chasm, so I have said, which makes the solution so difficult. The Muhammadans although they have lately lent themselves to Hindu and Swarajist intrigue, for the special purpose of defeat of a Minister, yet do not trust the Hindu. They know that educationally they are backward *in re* the Hindu, they know that they have fewer leaders of ability—the numbers at the Bar and in the law and professions prove that—they know, moreover, that Hindu wealth dominates theirs; that there are five Hindu landowners to one Muhammadan. Hence they fear the rule of a Hindu oligarchy and they do not desire the departure of the British official and the British connection. They desire, of course, more power and position for themselves, and they will often speak in public of the Utopia with the Hindu and Muhammadan hand in hand governing their own country.

But they know that that cannot be yet, and I foresee, when the Constitution does permit a Ministry as such, a communal battle even more bitter than any yet.

A Governor's position in this Province is difficult indeed. And yet for the future, if there is to be safety, he must surely be provided with more veto and more power. There must be power to veto any unfair racial or communal treatment. There must be power to step in and govern if a Province reaches an absolute *cul-de-sac* in its Ministry Government, or in the Legislative Council. Even of more importance than the powers of a Governor is his personality and ability for the task—a Governor with no experience of administration, a man who believes that the people must govern themselves leaving aside the conditions, might do infinite harm. It is to be hoped that the Commission will lay the greatest stress upon the importance of selection. Governors should surely be selected for their fitness for the task and ability alone, leaving aside all British political consideration.

1. (i) My opinion is that a Second Chamber is

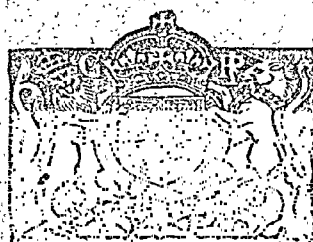




INDIAN STATUTORY COMMISSION  
VOLUME XVII

SELECTIONS FROM  
MEMORANDA AND ORAL  
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(PART II)

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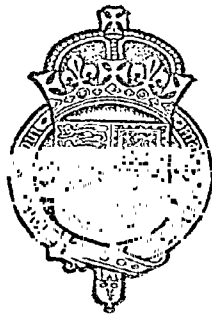
*See also*

- (1) Report of the Indian Central Committee—issued as Command Paper No. 3451 of 1929; and Supplementary Note by Dr. A. Suhrawardy, M.L.A.—issued as Command Paper No. 3525 of 1930.
- (2) Review of Growth of Education in British India by the Auxiliary Committee appointed by the Commission—issued with Interim Report by the Commission as Command Paper No. 3407 of 1929.

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## PREFATORY NOTE

### VOLUME XVII.

The extracts from oral evidence contained in this volume cover the more important portions of the evidence given, in the presence of the press, by non-officials\* in the following Provinces: Assam, Bengal, Burma, Madras, and Central Provinces. Volume XVI contains that given in the Provinces of Bombay, Punjab, North-West Frontier Province, Delhi, United Provinces, Bihar and Orissa.

In nearly every case the witnesses had previously submitted written memoranda; these documents formed the basis of their examination, and are printed at the beginning of their oral evidence.

A few of the written memoranda, on which oral evidence was not taken, are also included in this volume.

As explained in the preface to Volume I of the Commission's Report, all evidence was taken by a Joint Conference consisting of the Statutory Commission, the Indian Central Committee and, in all the Governors' Provinces except the Central Provinces, a Provincial Committee. A list of the members of these Committees is given on page iv.

References in the evidence to pages of the various written memoranda have been altered to correspond with the paging in the present volume.

The Commission have suggested that the full text of the evidence given in the presence of the press, including portions omitted from the present volume as being of less importance, and also copies of non-official memoranda not printed in these volumes, should be made available for inspection in London and India, and it is understood that this will be done.

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\*Including officials speaking for Service Associations in their personal capacity, and not representing views of Government.

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NOTE.—The composition of the Joint Conference is given at the beginning of each day's evidence, and is the same during the afternoon as during the morning session unless otherwise stated.



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\* Note.—Mr. Harper gave evidence as an official witness, but his evidence is included in this volume in view of its bearing on the Burma Chamber of Commerce evidence.

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## DOCUMENTS TO WHICH FREQUENT REFERENCE IS MADE.

Full Title.	Usual Description.	
Committee on Financial Relations between the Central and Provincial Governments in India	Meston Committee Report.	Cmd. 7240/1920.
Report of Taxation Enquiry Committee, 1925 . . . . .	Todhunter Committee Report.	Government of India publication.
Report of North West Frontier Enquiry Committee, 1922 . . . . .	Bray Committee Report.	Government of India publication.
Report on Indian Constitutional Reforms . . . . .	Montagu-Chelmsford Report.	Cmd. 9109 of 1918.
Report of the Committee appointed by the Secretary of State for India to enquire into questions connected with the Franchise and other matters relating to Constitutional Reforms. (Chairman: LORD SOUTHBOROUGH.)	Franchise Committee Report.	Cmd. 141 of 1919.
Report of the Royal Commission on the Superior Civil Services in India	Lee Commission Report.	Cmd. 2128 of 1924.
Report of Reforms Enquiry Committee . . . . .	Muddiman Committee Report.	Cmd. 2360 of 1925.



# Memorandum submitted by the Assam and Surma Valley Branches, Indian Tea Association.

On behalf of the Committees of the Assam and Surma Valley Branches of the Indian Tea Association we have the honour to submit the following Memorandum :—

## INTRODUCTORY.

1. *The Assam Branch, Indian Tea Association.* This Association was formed on the 20th October, 1880, with a membership representing 76,692 acres of tea. Its objects are (1) to take up all matters connected with the Tea Industry needing attention, (2) to keep as much as possible in touch with the Government and other Associations and bodies having the same or like objects in view and (3) to maintain a united feeling in the province. All companies, proprietors or persons having or owning tea estates in the Assam Valley are eligible as ordinary members.

For administrative purposes the Assam Valley is split up in 15 centres, namely (1) Doom-Dooma, (2) Dibrugarh, (3) Panitola, (4) Tingri, (5) Moran, (6) North Lakhimpur, (7) Sonari, (8) Nazira, (9) Jorhat, (10) Golaghat, (11) Nowgong, (12) Bishnath, (13) Tezpur, (14) Borsola and (15) Mangaldai. Each of these centres containing members of the Association, elects a District or Sub-Committee annually from their number and each of these District or Sub-Committees is entitled to one representative on the General Committee for every complete membership area of 9,000 acres within its jurisdiction, but no District or Sub-Committee may be represented on the General Committee by less than two members. These representatives form the General Committee who manage the affairs and funds of the Association and select their own Chairman and Vice-Chairman whose duties, like those of the other members of the General Committees and Sub-Committees, are honorary. The present membership of the Association represents 250,823 acres of tea.

2. *The Surma Valley Branch, Indian Tea Association.* In 1881 District Committees were formed to protect the interests of the various gardens in the Surma Valley. Subsequently these Committees were converted into Branch Associations which ultimately were merged into one Branch for all districts. The objects of the Association are generally to watch over, and as far as possible protect the interests of the Tea Industry of the Surma Valley, and also to keep in touch with Government, the Indian Tea Association, Calcutta and other kindred Associations on matters connected with the Tea Industry. The membership of the Association consists of companies, proprietors and concerns occupied in the production of tea in the Surma Valley.

For the purposes of administration the Surma Valley is divided into nine districts, namely (1) Lakhimpur, (2) Happy Valley, (3) Chutla Bheel, (4) Hailakandi, (5) North Cachar, (6) Chargola Longai, (7) Mid-Sylhet, (8) Balisera and (9) Luskpore. Each of these districts has a District Committee who elect a certain allotted number of representatives totalling 16 to the General Committee of the Branch and these elected representatives select their own Chairman and Vice-Chairman whose duties like those of the other members of the General Committee and Sub-Committees are honorary. The membership of the Association now represents 135,227 acres under tea.

3. A list of the members of the various Committees is attached as an Appendix (I).\*

4. This memorandum has been fully considered by all Branch and Sub-Branch Committees and has their unanimous approval.

## PART I.

### THE REALITIES OF THE PROBLEM.

HISTORICAL, GEOGRAPHICAL, ETHNOLOGICAL,  
ECONOMIC, AND OTHER FACTORS.

#### 1. *The History of the Province.* The Kacharis

\* Not printed.

(whose descendants may still be found in Kamrup and Cachar) may perhaps be described as the aborigines or earliest known inhabitants of the Brahmaputra Valley. In the eleventh century the Koch Kings (of which the present Cooch Behar family are descendants) invaded and captured the Valley. In the thirteenth century invaders from the Shan States of Burma came in from the north-east and during the next three or four centuries continued to invade in successive waves, eventually setting up the Ahom Kingdom with its capital at Sibsagor. The relics of their civilization would point to the fact that their rule was beneficial, but the ravages of malaria and kala-azar and the enervating climate of the plains so weakened them that they became an easy prey to further invasions from the north-east until in the eighteenth century it had been annexed by Burma. The actual descendants of the Ahoms now in the province according to the census of 1921 only number some 216,000 souls.

In 1820 representations to the East India Company as to mal-treatment by the Burmans, led to an expedition and to the annexation of the Brahmaputra Valley. These constant and successive invasions led to the depopulation of the valley which reverted to jungle.

In 1823, one Robert Bruce discovered tea growing wild in the Singpho's Hills near Sibsagor, and this led in 1839 to the development of the tea industry primarily by the Government, and these experimental plots being handed over to the Assam Company (a chartered Company) in 1840. From this period started the re-population of the valley and the reclamation of its fertile tracts from jungle. The next step was the taking over of the responsibilities of the Assam Company by the Crown in 1858. Thereafter the valley was governed under a Chief Commissionership, until in 1909 it formed a portion of the new province of Eastern-Bengal and Assam under Lord Curzon's partition Act. In 1912 with the rescinding of that measure, Assam reverted to its former status of Chief Commissionership.

In 1921, under the new Reforms Act of 1919, it was constituted a Governor's Province with an Executive Council and Ministers, the latter being responsible to a Legislative Council with an elected majority.

2. *Geographical.* We have attached to this memorandum a map\* of the Province as it is to-day. It is doubtful if Assam can be correctly included in the general term India. Its climate is entirely different from that of the peninsula and is much more akin to Burma than to India. It is a Frontier Province and whilst up-to-date it has only been faced with minor expeditions, developments in the Far East are likely to increase the military importance of this frontier. Apart from the cultivable area of the big rivers some 47% of the province is composed of hills covered by thick jungle and inhabited by uncivilized tribes, Mongolian in character. (The Nagas, Mikirs, Khasias, Garos, Bhutias, Arkhas, Daphalas, Miris, Abors, Mishims, Khampis and Singphos.) Its truly indigenous population is Mongolian. The re-population of the province largely by the Tea Industry has introduced Dravidian types which have been latterly further increased by immigration.

3. *Ethnological.* We consider it essential that the nature of the peoples of the Province whose interests have to be protected under reformed political Government should be thoroughly understood.

According to the census of 1921 the population of the province is 7,006,230, which excludes Manipur and its population of 384,016.

This is sub-divided as follows :—

(A). *Division by Races.* The indigenous population of the Upper Assam Valley is 1,640,000, of these 181,754 are tribes living in the administered tracts and of the remainder the larger sections are :—

\* Not reproduced.

The Ahoms ..	216,000
Brahmins ..	87,539
Kyastha ..	21,716
Chutiya ..	91,642
Kachari ..	192,752
Kewat ..	98,001
Koch... ..	220,817
Kolita ..	222,942

In the Surma Valley the prominent section is the Sylheti, mainly Muhammadan and their numbers amount to approximately 2,000,000.

The balance of the population is mainly immigrant, and the Tea Industry has been responsible for the immigration of approximately one and a half million persons.

(B). *Division by Occupation.* We consider it equally important to our purpose to examine the position from the point of view of occupations:—

Professional Classes and Liberal Arts ..	98,506
Agriculture and Pasture .. .. .	7,078,000
Tea plantation .. .. .	916,496
Industries (Minerals) .. .. .	10,552
Other Industries .. .. .	194,674
Transportation .. .. .	79,434
Trade .. .. .	268,371

4. *Economic.* Further, we feel it very necessary to emphasize the economic aspect of our problem. The prosperity of our province and its peoples is dependent upon its economic development. Our major difficulties are the paucity of our population and the limited revenues available for development purposes, and we are strongly of opinion that economics must be, as elsewhere, the dominant factor in the political organization of the province.

## PART II.

### THE TEA INDUSTRY.

1. The important part played by the Tea Industry in the development of our province is, we believe, indisputable.

2. Of the total cultivable area within the province of 5,721,000 acres, 1,538,960 acres (1/5 of the total cultivable area) are included in Tea Grants, and for the direct development of which we have been responsible. Of this, 420,564 acres are under tea, the remainder being under rice, grazing grounds, thatch, firewood and timber reserves, coolie lines and vegetable gardens.

3. Similarly of a total population (excluding administered tracts) of 5,750,000, 1,010,000 (1/5 of the total) make up the tea garden population.

4. Apart from this the Industry has assisted in the colonisation of the province to the extent of half a million, ex-tea-garden coolies who have settled in the province.

The colonization of the province is a predominant factor in its development and, putting the cost of our imported labour at the conservative estimate of £20 per head, the Industry has made a contribution of 30 million pounds to this development.

5. It will be of interest to your Commission and an answer to irresponsible charges made against the Tea Industry, to examine in some detail the manner in which we have fulfilled our responsibilities to the population and area, amounting to 1/5th of the province, in our care.

6. Within the sphere of nation building activities which are the duty of Provincial Governments, the Industry can show a record which it believes your Commission will consider more than creditable.

<i>Medical</i> —Expenditure by the Industry in medical charges, excluding Capital Charges per annum (for 1/5th of the province) .. ..	420,000
Estimated Expenditure by Provincial Government for 1928–29 (for 4/5ths) .. .. .	70,000

<i>Education</i> —(Primary). The actual figures are not obtainable .. .. .	£ —
<i>Agriculture</i> —By Tea Industry on its Experimental Station annually (for 1/5th) .. .. .	16,000
By Provincial Government (for 4/5ths) .. .. .	49,000
<i>Roads and Buildings</i> —The Industry, besides maintaining thousands of miles of roads within its gardens, pays an increased voluntary tax up to 8 annas per acre for the maintenance of roads outside its area. In addition it subsidizes many of Local Board roads.	

7. It also pays rates to the Local Boards at the rate of one anna per rupee for leasehold and 2 annas for fee simple grant. The Industry subscribes to the research work at the Tropical School of Medicine at Calcutta, and several companies have carried out extensive anti-malaria schemes.

8. Further, the European employees of the Tea Industry make a considerable contribution to the security forces of the province.

9. It is, perhaps, of importance that those who so frequently criticise labour conditions in the Tea Industry should realize that the labour is in a position to set itself up on its own lands within an average of 6 years; a position unique in the history of labour in any country.

## PART III.

### RESPONSIBLE GOVERNMENT IN ASSAM.

1. *Scope of this Memorandum.* This memorandum is confined to matters relating to the Province of Assam which come within the scope of the enquiry now being undertaken by the Indian Statutory Commission acting under the following terms of reference:—

It is "to enquire into the working of the system of Government, the growth of education, and the development of representative institutions in British India and matters connected therewith" and it is "to report as to whether and to what extent it is desirable to establish the principle of responsible government then existing therein, including the question whether the establishment of Second Chambers of the local legislatures is or is not desirable."

Any of the statements made or views expressed herein will be verified and amplified, if required, by the representatives of the Branch Associations in the course of their oral evidence during the period of the sitting of the Commission in the province.

2. *Our opinions on responsible Government.* If diarchy be reviewed in the light of the experience of its working in the province during the past eight years it must be admitted that the evidence as to the suitability of responsible Government to the needs of our province or to the political capacity of its peoples is inconclusive. Owing largely to financial stringency and to the determined efforts of a well organized party, whose members are anxious for increased powers before they have duly essayed those given to them, and whose activities in Assam, as elsewhere, have been mainly directed towards making any form of Government ineffective, it cannot be said that Responsible Government in Assam in its diarchical form has had a fair chance of success. It would be unfortunate, however, if the wrecking tendencies of the insatiable section were to thwart the natural ambitions of those who have proved themselves worthy of a larger measure of responsibility in the management of the province. If the Industry were to give its candid opinion solely on the realities of the problem and the good Government of the province, it would, having regard to the fact that the hill tracts, some 47% of the province, are and can only for the present be admin-

istered, strongly recommend that the whole province should be administered.

It is forced, however, to recognize, and is not antagonistic to, the declared intention of the British Parliament, to assist and encourage the political development of our province, and with this in view, considers that a system of responsible Government in the province should be given the fullest trial subject to certain safeguards specified later, and subject to a recognition of the realities of the problem and the capacity of our various people and interests to self defence under modern political conditions.

3. *The Realities of the Problem.* (a) We have previously in paras. 3 and 4, Part I, analyzed the population of the province and the interests requiring representation.

The existing electorate for the Provincial Legislative Council amounts to 250,751, or 4.3% of the population, and in our opinion it is not at present possible to extend the franchise. The result is, from an examination of the status of elected representatives, that an altogether undue proportion of representation has been secured to minority interests which are in the main Urban.

(b) Of the elected representatives, 12 are Assamese, 12 are Muhammadans, 8 represent other non-Muhammadans, including Europeans, 5 represent Planting interests, 1 represents Commerce and Industry, and 1 the urban constituency of Shillong, with a preponderating lawyer influence.

Agricultural interests are, excluding the 5 planting seats, inadequately represented, and such representation as there is has been secured by individuals who are not practical agriculturists.

The masses of the people are devoid of education and their political capacity to defend themselves under modern political conditions is negligible.

(c) Owing to the lack of communications, the scattered population and limited revenues, the growth of education without which political capacity cannot be developed, must be slow.

(d) Approximately 47% of the province consists of Hill tracts inhabited by semi-civilized tribes to whom the Act of 1919 has not been made applicable. There is in our opinion no hope of bringing these tracts within any reasonable limit of time within the scope of any Reformed Council and they must continue to be administered as heretofore by special officers or the Deputy Commissioner under the direct control of the Governor.

These tracts are at present a charge to the extent of 8 lakhs per annum on our revenues, and we are of opinion that any additional Expenditure arising from extraordinary circumstances such as expeditions, should be met by the Central Government. The British element required for the administration of these tracts should not be included in the proportion retained under the Lee Commission for the administration of the rest of Assam.

4. *Safeguards.* We have previously stated our opinion that in view of the declared intention of Parliament, responsible Government should be given the fullest possible trial subject to certain safeguards which are set out below:—

(1) Law and Order and the departments intimately connected therewith, the Police, Courts of Justice, and Political appointments should be placed under the direct control of the Governor, and the Legislature should have no powers of criticism or of voting on the budgets of these departments.

(2) A second chamber should be established.

(3) All bills passed by the Provincial Legislature shall require the assent of the Governor General.

(4) The Governor must retain his right of veto over all legislation, and this power should be extended to cover resolutions and questions.

(5) Statutory safeguards must be provided against legislation which discriminates against any particular section or community in matters of Taxation, Trade or Commerce, and the existing instructions to Governors in this respect should be continued.

(6) The recommendations of the Lee Commission should be adhered to.

(7) The Governor General should be given powers to take over and administer the province when in his opinion the administration breaks down.

(8) A Public Service Commission should be appointed. We are of opinion that the Public Service Commission, if appointed for Bengal, could at present undertake such work as this province may require.

(9) The troops maintained in the province for security purposes should be increased by one battalion.

12. *Local Self-Government.* We are convinced that the training ground for the electorate and also for the individual in public service lies in the sphere of local Self-Government. In our province these bodies have but comparatively recently reached the full status of Self-Government. Whilst there is much that may be criticised there has been in our opinion some growth, and there is plenty of room for hope. Many of the managers of Tea Gardens are taking an active part in the work of Local Boards and it is believed that their participation in the activities of these bodies is valued by their Indian colleagues.

We would strongly recommend the development of the village panchayat system, and that panchayats should be given limited powers of taxation to meet their administrative requirements. We consider that tanks, wells, village roads and primary schools might be transferred to their control and Government grants allowed to them proportionately. We would recommend adult suffrage for such bodies.

We would also recommend an extension of franchise for Local Boards, on the basis of a vote for each tenant lessee or proprietor of one poorah of land, and we would suggest that those who could be shown as literate in the vernacular be included.

We have noticed and it is natural that members of local boards pay more attention to those areas where the vote lies.

We consider, however, in view of the criticism made in Local Government reports, that adequate powers must be retained by the Provincial Government to check maladministration. We would welcome some measure, such as the surcharge in England tending to increase the sense of financial responsibility of the members of these bodies.

7. *The Provincial Legislative Council.* (a) We have already criticised the composition of the Council and in particular the fact that the existing franchise and other factors have led to power being concentrated in the hands of a small section which in practice represents but a minority of the population and, possibly of more importance, only the smallest interests in the province. We are strongly of opinion that if responsible Government is to be given a fuller trial, steps must be taken to secure adequate representation for all interests in proportion to their importance in the province. We have emphasized previously the fact that economic factors must dominate political organization.

(b) In so far as representation for the Tea Industry is concerned we have pointed out that it is already responsible for 1/5th of the cultivable area of the province and 1/5th of its population and consider that its representation in the Council should be in the equal proportion. We believe an examination of our activities as outlined in Part II will show that we have exercised such powers as we have been afforded in a responsible manner and that a claim for increased representation is not only just but will be of value to the province.

(c) We would recommend that the Commission in considering the representation of interests in the Provincial Council should bear in mind the fact that Agricultural interests are the predominant interest in the province, and the representation should be provided, in so far as is possible, through practical working agriculturists.



We would particularly recommend :—

- (i) That Agricultural Research should be given one seat.
- (ii) That the monetary qualification for the Commerce and Industry constituency should be raised to one lakh.
- (iii) That the immigrant classes be given representation.
- (iv) That provision be made for the representation of the tribes.

8. *The Ministry.* We consider the Governor should appoint Ministers from the elected representatives, and that they should hold office for the

life of the Council, subject only to dismissal by the Governor.

In conclusion the Committees of the Assam and Surma Valley Branches of the Indian Tea Association are aware of the fact that the Commission during its first visit to India made extensive tours in the provinces visited for the purpose of seeing how real India lives. They are very strongly of opinion that this procedure is essential to a true understanding of the conditions in Assam, and trust that the Commission will during its visit to Assam take special steps to visit the districts.

## SHILLONG.

Dated 3rd January, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD STRATHCONA), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, SIR ZULFIQAR ALI KHAN, RAJA NAWAB ALI KHAN AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE ASSAM PROVINCIAL COMMITTEE (EXCEPT MAULVI MUNAWWAR ALI).

## Deputation from the Assam and Surma Valley Branches of the Indian Tea Association.

The deputation consisted of the following :—

Mr. W. G. McKERCHER, spokesman on behalf of the Assam Branch, Indian Tea Association.  
Mr. W. E. D. COOPER, spokesman on behalf of the Surma Valley Branch, Indian Tea Association.  
Mr. E. S. ROFFEY.  
Mr. G. E. RAYNER.

\* \* \* \* \*

11. *Lt.-Col. Smiles :* Is it not the fact that the tea industry contributes much more to the central than to the provincial revenues?—Yes; they have done, and they do still, I think.

12. What is the total amount the industry has paid as land revenue during the year 1927-28, and what were the total land revenue receipts during the year? What is your proportion?—The tea industry paid over one-fifth of the revenues, and I think the land revenue was Rs. 10,672,000.

13. *The Chairman :* That, you say, is one-fifth of the total land revenue?—No; that is the total land revenue, sir, and we pay over one-fifth of that.

14. That is to say, something over 21 lakhs?—Yes.

15. *Lt.-Col. Smiles :* I now come to question No. 3. You say that the tea garden population is a little over a million and you claim for the industry representation to the council on the population basis?—Also on the basis of land revenue and other payments to Central and local Governments. In this connection I may say that no public amounts are expended on tea garden areas, for example, on roads, hospitals and water-supply. Although we pay local rates, we do not get anything back. This one-fifth of the province within the tea garden areas is supported by the tea industry as regards the maintenance of roads, hospitals, etc.

16. *The Chairman :* Then what you claim is that you should have one-fifth of the members of the council. Is that so?—Yes, sir.

17. *Lt.-Col. Smiles :* Then I come to question No. 4. You propose the exclusion of the hills from the scope of the coming reforms, and at the same time suggest that the tribes should be represented on the council. Are not the two propositions

inconsistent?—Possibly, but we have no knowledge of what the future Government is going to be.

18. *The Chairman :* Let us put it in a different way. Let us suppose that in the reformed constitution for the province of Assam the area of the province is so changed as to exclude the hill tribes. You know of course that that is a suggestion which is put forward. In that event you would not suggest that the hill tribes outside that area should contribute representatives to the legislature?—No; I would not.

19. *Lt.-Col. Smiles :* Considering the hitherto untapped forest and mineral resources of the hills, will it not be a shortsighted policy to exclude the hills?—No.

20. Then question No. 5. You propose that Law and Order should be Central subjects. Do you realise that this exclusion will convert the local Government into a glorified local board?—We do not. I think we have proposed that Law and Order should be under the Governor as reserved subjects.

21. You do not propose them to be Central subjects. You propose that Law and Order should be subjects reserved under the Governor?—"Law and Order" and the departments intimately connected therewith, the police, courts of justice, and political appointments should be placed under the direct control of the Governor, and the legislature should have no powers of criticism or of voting on the "budgets of these departments." (Page 3 of the memorandum). That is our statement.

22. With the other things that are still left entirely in the power of the council, do you consider that the Assam Government will degenerate into a sort of glorified local board?—No.

23. Is it then your idea that diarchy should continue so far as Law and Order are concerned?—That does not arise, does it?

24. Forest being transferred and Law and Order being reserved that might be called diarchy?—Yes.

25. Will you agree to the transfer of Law and Order if an administrative court is set up in the province which will be in a position to give adequate

protection to the policemen and the magistrate? —No.

28. *Lt.-Col. Smiles*: Is it not a fact that the whole Government will be paralysed if these departments are slackly or unsympathetically administered? —Yes, but that is absolutely unlikely under the Governor's administration.

29. What constitution do you suggest for a Second Chamber and what powers do you propose for this Chamber?—It should consist of ten to twelve members of whom one-fifth should be members of the planting community. The qualification, we suggest, is the payment of income-tax on Rs.10,000 and possession of not less than 500 acres.

30. *The Chairman*: Is it your idea that a Second Chamber so composed should be free to exercise its veto on any legislation passed by the legislative council?—Yes, sir.

31. *Lt.-Col. Smiles*: Why do you propose to raise the franchise for the Commerce and Industry constituency?—To get more responsible representation.

32. Is it because under the existing franchise the Indian electors of this constituency may return one of themselves to the council?—No, certainly not.

33. Is the present member for this constituency an Indian?—Yes.

34. *The Chairman*: What is the present franchise for the Commerce and Industry constituency?—Rs. 25,000.

35. And what is it you want to raise it to?—We suggest Rs. 1 lakh.

36. *Lt.-Col. Smiles*: I think Mr. Cooper can answer this question better than you, Mr. McKercher. I put it to you, Mr. Cooper, that any minister that the Governor may nominate, the planting members would support?—(Mr. Cooper) Certainly.

37. The question whether the minister was efficient or not would not enter the minds of the planters so long as he is nominated by the Governor?—Yes. It would certainly give him a trial to see what he was like.

38. With your experience of the council I would like to know from you if the minister were elected by the council instead of being nominated by the Governor, would this not remove one of the principal reasons for the existence of the present Swaraj party?—It would remove one of the reasons, but I do not know how many more there are.

39. What objection do you see to the system under which ministers are elected by the council for the duration of the council?—In principle I think they certainly should be, and in practice I am rather doubtful about it.

40. Mr. McKercher, you have heard of the proposal for making separate electorates for tea garden coolies and to elect members out of them?—Do you think this is practical or possible?—(Mr. McKercher) I suggest nomination and not election.

41. You do not think it would be a practical proposition if they were to be elected?—No.

42. Who would you suggest should be nominated to represent them?—I should say the tea planter, who is the best friend of these coolies, or somebody who knows them. The tea planters know their ways and the coolies come to the planters when they are in trouble.

43. *The Chairman*: I just want to face what is involved in that. Of course, one is glad to hear that the tea planter is the best friend of the tea coolies. If the tea planter is to represent the coolies and if a situation arose in the legislature in which the tea planters' interest was one way and the coolies' interest was the other way, which way do you think the coolies' representative would vote?—That is, no doubt, a difficulty which is to be faced. I also suggested that any man who had experience, with service on the garden, could be nominated.

44. *The Chairman*: You see, it is a point one has to consider, because, really, when you say that

the tea planter is the best representative that is really because you feel quite satisfied that his view on what is best and right for the coolies is also the coolies' view on what is best and right for them. That is a most satisfactory state of affairs, but it will not be the case always. I think you will agree, when that happens, it would not be right that the labourers should be told that the only representative for them is the tea planter.

*The Witness*: (Mr. McKercher) I agree with you, sir, and I therefore say that any from the establishment who understands the coolies could be nominated.

45. *Rai Bahadur Sadananda Dowerah*: You have got now five members to represent tea in this council. If more representation is given to you, would you earmark one of the seats for the Indian planters?—With pleasure.

46. Mr. Withers represents labour in this council. Would you tell the Conference what interest he takes for the coolies?—I think he is an ideal labour representative. I have never heard any complaints against him.

47. Do you think that these coolies could be better represented by a tea garden clerk than by Mr. Withers?—No.

48. Supposing there are missionaries or other people who take interest in the welfare of the coolies, have you any objection to the representation of the coolies by these men?—No.

49. Do you admit that if the coolies are to elect their own representatives they cannot be effectively represented either by a *Mohurrir* or a *Sardar*, who have not sufficient education to understand the proceedings of the council?—We do not suggest that these representatives should be elected.

50. Supposing they are to be elected, would you put any restrictions that they must be represented by their own men or that they may be represented by any one whom they elect?—We say that the time has not come when they should be elected.

51. Supposing the Commission were to recommend and the Parliament were to accept that they will have to elect their own representative, would you insist that they should elect only that man whose name is on the electoral roll, or would you give them the choice of electing any one?—I would not put any restrictions, but I do not think they have really yet reached a stage when they could exercise their franchise themselves.

52. We are told that adult franchise is impracticable, but if the coolies who are able to write their names are allowed to vote by ballot and the rest are simply divided, do you think it is an impracticable proposition to have adult franchise?—I do.

53. *Maulvi Keramat Ali*: You want to reduce the number of voters for the Commerce and Industry constituency?—I do not wish to reduce the number; I only wish to get the best representative for the industry; the larger the capital the better will be the brains—I mean they will have a large stake in the country.

54. What are your objections to Law and Order being made a transferred subject?—Law and Order in Assam, owing to the fact that we are a frontier province and of the presence of the administered tracts, is a different problem to any other province, except the North West Frontier Province, to which it approximates in general conditions. One battalion of regular military troops is stationed in a hill district. Road communications in the plains are nil, and none of the rivers are bridged. The Assam legislative council proceedings show the opposition to police grants and the disorderly condition of the province between 1918 and 1922. The existing police control is one to 12.2 square miles. Pressure brought to bear on the minister through the legislature or the Press may lead to dilatory handling of the situation with serious effects.

55. Your fears are that as the minister will be always in the hands of the council, it may be that he will be led by the council sometimes to act irresponsibly in running the Police department?—I think

the minister will be in a very unfortunate position. As I have already said, pressure brought to bear on the minister through the legislature or the Press may lead to dilatory handling of the situation with serious effects.

56. If the fixity of tenure is secured for ministers as proposed by the Government in their memorandum, I think you will have no fears?

*The Chairman:* Let us put it in a different way. I am interested to know what the witness thinks. I have gathered that the anxiety which many people feel about transferring Law and Order and putting it in the hands of the minister is really due to their fear that if that happened the present practice and temper of the legislative councils might leave the minister to find himself constantly exposed to the risk of defeat, refusal of salary, or censure. But if you were to suppose that the minister was in some way secured against the risk of constant defeat, constantly being assailed by a vote of censure, would not that rather remove some of that difficulty?—No, because you cannot get away from the communal issue. The minister may not take action because he will know that he will be criticised.

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58. *Maulvi Keramat Ali:* Do you mean to say that as long as communal tension continues Law and Order should not be placed in the hands of an Indian?—I do.

59. Is there any communal tension in this province?—Yes.

60. Can you cite any instance of a quarrel between the two communities in the Assam Valley?—There was on one occasion, two years ago. I think trouble was expected. It was reported that *goondas* were being imported by the Hindus and the Muhammadans would not be allowed to perform their ceremonies.

61. They were not Assamese?—Preparations were being made.

62. *Rai Bahadur Amarnath Ray:* You claim representation on the combined basis of population and payment of taxes?—Yes.

63. You would have both these factors taken into consideration in the matter of the distribution of seats between the Hindus and the Muhammadans?—Certainly, yes.

64. Is it not a fact that the poor man of the poor community is in a greater need of the Government protection than the rich man of the rich community?—I agree with you. When I say the poor man, I mean the *ryot* and the coolie. I go further than you do.

65. Would you similarly give the man who pays Rs.5 as land revenue one vote and two votes to the man who pays Rs.10?—No, I certainly should not give two votes.

66. *Sir Hari Singh Gour:* You say, on page 3 of your memorandum, that in view of the fact that you are responsible for one-fifth of the cultivable area of the province and one-fifth of its population, you want one-fifth representation? Is not that so?—Yes.

67. Would you, therefore, on the same basis give four-fifths representation to the other cultivators and landlords? You say you pay 20 lakhs as land revenue out of 108 lakhs. On that basis, assuming that you contribute one-fifth of the land revenue and are responsible for one-fifth of the cultivable area you want one-fifth of the seats. Now, on the same basis would you give four-fifths of the seats to the rest of the cultivators and payers of land revenue?—You mean to the balance of the land revenue payers?

68. Yes?—It may not be cultivators only, would it?

69. They are land revenue payers, and you give them four-fifths of the seats?—Yes.

70. Then what will be left to the other interests?—That is your business.

71. On page 3 under "Safeguards," you say that

you will place Law and Order under the direct control of the Governor "and the legislature should have "no powers of criticism or of voting on the budgets "of these departments." Now, who is to prepare the budget?—The Governor and his executive.

72. Consequently out of the revenues you give the Governor as much as he wants; is not that so, and the legislative council would have no right either to criticise his action or to refuse his budget?—Yes, that is quite right.

73. Having given the Governor what he wants, supposing there is an outbreak of a riot in which the amount he has taken is not sufficient and he wants three times as much the amount, where is he to get it from?—He must get it.

74. Where from? He has cut himself away from the council?—From the Central Government.

75. Would you, therefore, give the power to the Central Government to pass your budget and criticise the action of your Governor?—Certainly.

76. You place this part of the budget before the Central Government?—The Governor is responsible for it; but it must be passed by the Central Government.

77. That is to say, you are placing this part of the budget under the Legislative Assembly, making it a votable item?—No.

78. Then under whom?—Under the Central Government, the Governor General.

79. Supposing it is the Governor General, how is he going to give you the money unless he goes to the Legislative Assembly?—He will have to find it. That is up to you again.

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82. *Sir Hari Singh Gour:* Yours is a purely European Association?—No.

83. Have you got any Indians?—Yes.

84. How many Indians have you got?—Fourteen Indian concerns in the Assam Valley branch, out of 356 total, and 7 in the Surma Valley out of 160 total.

85. How is it that there is not a single Indian member of your Association on this deputation?—Because they are very small and they are not on the general committee, except one, and he will not come into politics.

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90. *Mr. Hartshorn:* On page 2 you say that the industry has assisted in the colonisation of the province to the extent of half a million. Then you say, "The colonisation of the province is a pre-dominant factor in its development and, putting the "cost of our imported labour at the conservative "estimate of £20 per head, the industry has made a "contribution of 30 million pounds to this development." Taking those statements together, half a million at 20 pounds will come to 10 millions, and not 30 millions as stated here. What makes the difference?—We have got 600,000 ex-tea garden labourers settled. It costs you Rs.200 to import them to the province plus concession rates.

91. Are you including all that in your £20?—No.

92. You say that you have colonised to the extent of one and a half million?—No, we have got our present labour force in that.

93. *The Chairman:* The confusion is simply due to the fact that there is a comma after "million." It must be "half a million ex-tea garden coolies." It means that out of the million and a half, half a million or 600,000 have passed out and become settlers on the land, and no longer coolies?—Yes.

94. *Mr. Hartshorn:* On page 2 you say, "It is "perhaps of importance that those who so frequently "criticise labour conditions in the tea industry should "realise that the labour is in a position to set itself "up on its own lands within an average of six years, "a position unique in the history of labour in any "country." Can you tell us how many labourers have actually accomplished this feat?—Those 600,000; and many more retire to their country every year.

95. On page 3 you say that you regard local self-government as a training ground for the electorate and you would strongly recommend the development of the village panchayat system, and then you mention the functions you would give them. Then you say, "We would recommend adult suffrage for such bodies." You mean by that that you set up a machinery for getting a ballot vote?—This is the village panchayat.

96. You get a register of the voters and they conduct the voting?—Yes; just as the village councils at Home.

97. Have you gone into the question of the amount of labour involved in setting up that machinery? We have been told this morning that adult suffrage is impracticable from this point of view; that it is not possible to secure the necessary staff to adopt the adult suffrage?—I see what you mean. That might be so in a large electorate, but with your local boards it is not difficult. Many of them have the village panchayats and they are working very well. It is the best form of settling any quarrel in the villages.

98. *Mr. Hartshorn*: But have they got the machinery for conducting a private poll?—They just elect their own man from among themselves and he is put forward.

99. Have you considered the amount of labour that would be involved in setting up this machinery?—I have not considered it.

100. *Colonel Lane-Fox*: Have you considered whether this system of machinery will be necessary?—I have not.

101. *Mr. Hartshorn*: When you speak of adult suffrage, do you not mean the ordinary ballot vote?—We mean the ordinary vote of the village panchayat.

102. But you have not considered the possibility of setting up that machinery for this purpose?—No, I have not. I may tell you this. I have been many years a member of the local board and I know these panchayats very well indeed. I know the villagers, and I know that the panchayat is the best way of getting down to the bottom of things. We suggest the panchayats should entirely run their own village. Raise their own taxes and pay for their own primary schools and other local requirements, and those who cannot afford to pay more, could work in their own little village instead.

103. The only point I was putting you is this. If you once set up a political machinery which will enable these people to exercise their franchise, you will have got your own register and your own electoral machinery that can be used for any purpose afterwards. It would be possible to use it for provincial councils as well. If it could be set up for one purpose, it could be used for any other purpose as well. But you say you have not considered it?—I have not considered it.

104. *The Chairman*: Have these panchayats got a list of voters in their own villages?—No.

*Rao Bahadur Rajah*: By beat of tom-tom they ask all the adults to assemble in a particular place, and then by show of hands they decide.

105. *The Chairman*: It is not the case, then, that village panchayats are constituted by the process of a list of voters and the use of a ballot and all that kind of thing. It is done by the beat of the drum, asking the adults to assemble in the evening and be present at an ordinary meeting place, and then there is a show of hands and general confabulation, and then the thing is done?

*Rao Bahadur Rajah*: Yes, sir; that is it. The meeting is called by a Government official—a tahsildar for instance—and he conducts the proceedings.

106. *Mr. Hartshorn*: When I find in a memorandum of this kind a recommendation about adult

suffrage, I assume that by that it is meant the bringing into existence of a proper register and the holding of a ballot for votes?—No, sir. That was not meant at all.

107. *The Chairman*: You meant that by beat of the drum the villagers assemble and then the election is done there?—Yes, sir.

108. *Lord Burnham*: I notice on page 2 of your memorandum you give us the figures, which have already been dealt with, in regard to the number of acres under tea. You say there are 420,564 acres out of the 1,538,960 which are included in the tea gardens. Could you tell me approximately what proportion of that area and what proportion of the tea production is due to small producers as against the tea companies; that is to say, small against the big business men?—I think we represent about 92.39 per cent of the acreage in the Surma Valley and about 91.47 per cent in the Assam Valley.

109. Then does it mean that the rest is occupied by Indians?—No, sir. There may be some Indians, and some Europeans also who are not members of our Association.

*Lt.-Col. Smiles*: There are very few tea estates in Assam below 100 acres.

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113. \* \* \* *Lt.-Col. Smiles*: I think I am correct in saying that the average area of a tea garden concern, European or Indian, works out between 400 and 500 acres over the whole of the province.

114. Then the only other question is there are constant complaints about your getting the privilege in regard to the premium for land to be developed. I notice that such complaints are made in the proceedings of the legislative council. Have you got anything to say about that; that is to say, about the terms on which you acquire land for the production of tea?—They are exactly the same for every one, sir, and we deny any privilege.

115. I read the allegation in the council proceedings. Have there been absolute equality between Europeans and Indians in regard to the land taken up for tea?—Absolute, sir. There is no question of privilege.

116. And between the big man and small?—Nothing.

117. I see, at any rate, that a charge has been made, and your Association is opposed to any such differentiation, I suppose?—Very much so, sir.

118. *Major Atlee*: Could you tell me, have you any organisation at all by which you meet representatives of workers; anything like a welfare association, or anything of that sort?—(Mr. McKercher): Nothing whatever.

119. There is one other question. You propose a Second Chamber. That is entirely composed, I gather, of the wealthy classes?—I presume they must have a stake in the country, otherwise they will have no responsibility.

120. And that they will have a veto on legislation?—Yes.

121. Do you not think that when you put people there who are in a wealthy position, they are liable to attack?—The more responsibility you have in the province, the less likely you are to abuse law and order; like the representation on the Council of State.

*Mr. Cooper*: The representation on the Council of State should be by men who have a stake in the country.

*Mr. McKercher*: That is the case in the House of Lords in England, I believe.

*Lord Burnham*: That is represented by all sections.

*Major Atlee*: It is not primarily composed of wealthy people.

Memorandum submitted by **RAI BAHADUR PRAMODE CHANDRA DATTA**,  
Ex-Minister Local Self-Government, Assam.

**NOTES ON THE REFORMS**

India's constitution has been in the main derived from Parliament. Government of India Act, 1858, declared that henceforth "India shall be governed by and in the name of the Queen," and vested in the Queen all the territories and powers of the Company. The dual control that in England used to be exercised by the Company's Directors and the Board of Control was done away with and a Secretary of State with a Council was appointed to conduct the business transacted in the United Kingdom in relation to the Government of India and correspondence with India. The affairs in India continued to be conducted by the Governor-General-in-Council (henceforth to be appointed by Her Majesty by warrant under the Royal Sign Manual) with the help of the subordinate Presidency and Provincial Governments except as regards territories under his direct control. Between 1858 and 1919 a steady process of devolution of powers had been going on but the scheme of Government introduced in 1858 remained in essence the same until the Government of India Act 1919 was passed. That Act which amended the Government of India (Amendment) Act 1915, declared realisation of responsible Government as an integral part of the British Empire to be the goal of British rule in India. With that object in view while certain very important changes were made with regard to the Secretary of State in Council and the Government of India, a dual Government which has come to be known as dyarchy was introduced in the Provinces. The principles underlying those changes were thus foreshadowed in the Montagu-Chelmsford Report:—

- (1) There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control.
- (2) The provinces are the domain in which the earlier steps towards the progressive realisation of responsible Government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the Provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.
- (3) The Government of India must remain wholly responsible to Parliament, and saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased.
- (4) In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and Provincial Governments must be relaxed.

The Statutory Commission is to examine the new constitution in the light of the experiences gained during the last 8 years. The terms of reference under which the Commission is acting are as follows:—

It is "to enquire into the system of Government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and it is to report as to whether and to what extent it is desirable to establish the principle of responsible Government, or to extend,

modify or restrict the degree of responsible government existing therein, including the question whether the establishment of second chambers of the local Legislatures is or is not desirable."

The italics are mine and are intended to emphasise that it will be open to the Commission to say, if their conclusions warrant it, that it is not desirable to establish the principle of responsible government in India. Is this consistent with the declaration made in the Preamble to the Government of India Act that responsible government is the ultimate goal of British Rule in India? You can modify or restrict the degree of responsible government introduced but can you consistently with your declaration take away the element of responsibility altogether? I have no fear, however, that in the experiences of the past 8 years, the Commission will find anything to justify a reversal of the policy initiated in 1919.

*Provincial Governments.* Prior to the passing of the Government of India Act, 1919, the Provincial Governments were mere agents of the Government of India. "They were never sovereign and independent. From 1833 up to the time of the Strachey decentralisation, the Government of India had everything in their hands and no Local Government could make the smallest appointment without sanction. Since then the Government of India had surrendered many functions but each surrender required a separate order, since the residuary authority rested with the Government of India and not with the Local Governments as is the case in most federations." The Government of India Act, 1919, has for the first time given them a constitution under which in provincial matters they enjoy a large measure of independence—the policy initiated being one of continuous devolution of powers on them until in provincial matters they become independent of the Government of India. In financial matters the independence of the Provincial Governments has been secured by definitely allocating to them certain sources of revenue. Devolution Act of 1920 has since been passed with a view "to relax the control in certain respects of the Governor-General-in-Council over Local Governments and to transfer to such Governments certain powers exercisable by the Governor-General-in-Council."

*Dyarchy.* The entire field of administration has been marked off into Provincial and Central; those subjects which intimately concern the Provinces have been made over to the administration of the Provincial Governments while the rest continue in the hands of the Central Government. The Provincial executives have been split into two halves, the first half consisting of the Governor and Executive Councillors nominated by the Crown, and the other half consisting of the Governor and his Minister or Ministers selected by him from among the elected members of the Council. To correspond with this division in the Executive, the subjects of Provincial administration have been similarly divided into two parts named for convenience "reserved" and "transferred." The reserved subjects are administered by Governor and his Council who are responsible to the Government of India and ultimately to the British Parliament. The transferred subjects are administered by the Governor and his Ministers who are intended to be amenable to the electorate. The Provincial revenues are distributed between the two halves for their respective purposes. In respect of the transferred subjects powers of control both of the Secretary of State in Council and the Governor-General-in-Council have been limited to certain specific purposes.

In justification of the dual government recommended in the Montagu-Chelmsford Report Lord Chelmsford said, "What we want is a scheme which

Rai Bahadur PRAMODE CHANDRA DATTA.

[Continued.]

"will transfer some responsibility at once which will provide machinery by which more responsibility can be transferred at later stages and by which ultimately full responsibility can be attained in the provincial sphere." "Under our scheme it will be possible, I believe, to say, so far as transferred subjects are concerned, that the Minister and through him the Local Council has said 'yes' or 'no' on a particular question. Under our scheme it is possible to gradually enlarge the sphere in which the Minister and the Local Council will say 'yes' or 'no.' And under our scheme responsibility in the whole sphere of Government can ultimately be attained."

Dyarchy has been severely criticised. It is a novel experiment and its very novelty provokes criticism. In essence, it is a compromise between irresponsibility and responsibility and like every other compromise involves surrender of something or other on each side. No wonder that it has satisfied so few. That it has its defects nobody would care to deny. Its authors themselves have repeatedly pointed them out. But they claimed that the task set to them left them no choice but to suggest some such scheme and the fact that no alternative scheme was suggested, which would better accord with the policy laid down by Parliament would seem to justify their claim. Dyarchy marks the beginning of a transition from autocracy to self-rule.

Dyarchy has been condemned as unworkable. I do not entirely agree. Without good will and willing co-operation no constitution however excellent can be worked. Given these, dyarchy is capable of doing much good. And, having worked it for over 4 years in Assam, I claim that it has not been barren of results.

Dyarchy has not had a fair trial. The hope of co-operation on which its successful working depended was not realised. The Indian National Congress in its session at Amritsar had indeed resolved that it should be tried however "inadequate" and "unsatisfactory" but the non-co-operation movement was started soon after and in 1921 when the Reformed constitution began to function, the Legislative Council was partially boycotted. If non-co-operation kept away some of the best minds of the country from the first council the second council was signalised by the advent of the Swarajists who came in with the avowed object of non-co-operating from within. In the present council also the Swarajists are the strongest single group and profess to be animated by the same spirit of non-co-operation. For reasons into which it is not necessary to enter here, there is great discontent in the country and this discontent the Swarajists have successfully exploited to capture the political lead. Non-co-operation as a political campaign is indeed dead, but as an attitude of mind—a spirit of aloofness from all association with a Government to which are attributed all the ills India suffers from—still survives. Their shibboleth is that this Government is bad and that, therefore, those who associate with it must be bad. Destroy the new constitution and as the Ministers are its main props, pull them down first. In two provinces ministries were wrecked for a time. In one of these the attempt is being repeated time after time. In Assam no serious attempt has yet been made to that end. In such an atmosphere of mistrust and suspicion and in the face of active and not over-scrupulous opposition no constitution could give the best it was capable of. The situation was rendered worse by the financial stringency which unfortunately coincided with the inauguration of the Reforms. The Ministers had nothing spectacular to show, and themselves complained of paucity of funds. I speak from experience when I say that with more funds and better support from the Council, dyarchy could do a lot more.

*Defects of Dyarchy.* Dyarchy has obvious defects. "From the standpoint of constitutional theory, the scheme has been much criticised, first on the ground of the inherent difficulty of rending asunder the seamless fabric of administration; secondly, since all the provincial legislatures were to include a sub-

stantial majority of elected non-officials, it seemed probable that a virtually irremovable executive might be confronted by an irresponsible legislature. It is true that to obviate the risk of deadlock, the Governors were given a reserve of authority which enabled them to carry on the essential work of the administration irrespective of the policy of the Legislature. In the sphere of the transferred subjects, this reserve of authority was naturally more restricted than in the sphere of the reserved subjects, upon the maintenance of which the whole structure of orderly Government really depended. But the existence of this discretionary power, however inevitable it may have been naturally tended to weaken the responsibility of the legislatures."

The fact is you cannot successfully combine representative and irresponsible Government. A clash is inevitable between the Executive and the Legislature. There must be constant warfare with the executive for the purpose of obtaining the powers inherent in a representative body by the very nature of representative Government. This has been the experience of the past few years.

*The position of Ministers.* The position of Ministers under dyarchy is hardly capable of definition. They are responsible to the Council in the sense that by a vote of want of confidence in them they can be removed from office. But at the same time, they are appointed by the Governor, hold office at his pleasure, and may be dismissed by him. If the Council can bring them to account, so also can the Governor, and responsibility consists of amenability to authority. They are very much in the position of a man who has to serve two masters whose viewpoints not often clash. Their loyalty to the Council often puts a severe strain on their loyalty to the Governor and *vice versa*. Position such as this is fundamentally bad.

*The position of Governor.* No less delicate is the position of the Governor. For reserved subjects his responsibility to Parliament is complete. As regards the transferred subjects the Parliament has in theory transferred its responsibility to the Indian electorate, but has not in fact divested itself of all control, for the Governor whom it appoints has been armed with special authority and an Instrument of Instructions issued to him enjoining how that authority is to be exercised. Upon him has been laid a general responsibility for seeing that the administration of the transferred subjects by Ministers is properly conducted. "You shall do all that lies in your power to maintain standards of good administration \* \* \* and to ensure probity of public finance and the solvency of the Province." So runs a clause in the Instrument of Instructions and although ordinarily he shall be guided by the advice of his Ministers power has been reserved to him to require action to be taken otherwise than in accordance with that advice. At the same time he is enjoined to "further the purposes of the said Act (Reforms Act), to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundations, that the people of the said Province shall acquire such habits of political action and respect such conventions as will best and soonest fit them for Self-Government and that Our authority and the authority of Our Governor-General-in-Council shall be duly maintained."

Such a position is one of extreme difficulty and in which it is hardly fair to place any man. He must encourage and foster the growth of responsibility in the Legislature yet is enjoined to intervene should he think it necessary in the interests of good administration. Occasions must arise when a deadlock can only be avoided by forbearance on the one side or the other. Very much depends upon the personal equation of the Governor and that is one of the weakest points in the new constitution. I have worked with three Governors in succession and had ample opportunities of judging how much personal equation counted for.

*The constitutional relation between Governor and his Ministers.* In public eyes, the Governor is the top dog, and totally eclipses the Ministers. The general impression is that the latter can do nothing except with the approval of the Governor. There is nothing in the Government of India Act to justify this impression. My reading of Section 52 (3) is that the Governor is bound to accept the advice of the Ministers; he can overrule them only when he sees sufficient cause to differ from their opinion and in deciding what is a sufficient cause he is enjoined by his Instrument of Instructions "to have due regard to the relations of the Ministers with the Legislative Council and to the wishes of the people of the Province as expressed by their representatives therein." The Joint Parliamentary Committee have recommended that the Governor should not overrule his Ministers except under circumstances which would justify his overruling his executive council—viz, where by any measures proposed by Ministers "the safety, tranquillity or interests of his province or any part thereof are or may be in his judgment essentially affected." I have consistently acted on this view of the respective positions of the Governor and his Ministers. I have always held that except in regard to matters as to which the Governor's concurrence is by the Act or rules made thereunder necessary, the Minister is the only authority; the Governor's approval is not a condition precedent to his orders taking effect. That the Governor can veto the Minister's orders is another matter. Of course, if you feel that there is somebody who is always watching you with a critical eye and can intervene if he likes, you cannot avoid a stunting effect on your mental outlook. But that is very different from saying that the Ministers are powerless.

The terms of Sec. 52 (3) are, however, so wide that they are liable to be misunderstood. It is no wonder, therefore, that different people—whether Governors or Ministers—should take different views of their rights and duties.

*The position of Ministers in relation to the Members of the Executive Council.* The Ministers and Members are equal in status and my official relations with them were cordial. I know the members have their view-points just as Ministers have theirs, and these often do not coincide. But we had mutual appreciation of our respective positions. I do not think that they were ever wilfully obstructive or assumed superior airs.

*Secretaries.* I had successively three I.C.S. men as my Secretaries. I cannot speak too highly of them. They were absolutely loyal, faithful and respectful, and I had never occasion to feel that because I was an Indian or inexperienced, they tried to take any undue advantage of me. On the contrary, they did their best to understand me and help forward my policy. I often discussed my difficulties with them, and their advice was always helpful. For my secretaries I have nothing but praise.

Opponents of the Reforms have often tried to make capital out of the fact that secretaries have a right of access to the Governor and can take any file to him without consulting the wishes of the Ministers. If the Governor has any responsibility for the administration of his Province, he should be kept acquainted with the actual course of administration. And, besides, the rule applies equally to both sides of the Government, there is no discrimination against the Ministers. My secretaries had their usual interviews with the Governor, but gave me no reasons to suspect that they were in any way unfair to me.

*Heads of Departments.* The position of Heads of Departments is one of peculiar difficulty. They are experienced administrators and in a sense responsible for the efficient administration of their departments. Until the Ministers came in they had practically a free hand. They have now to take orders from the ministers. The details, indeed, are left to them, but the policy is shaped by the Ministers. Differences with the Ministers are inevitable. During the first few months of my Ministry I had serious

differences with some of them (at one time I had as many as five departmental heads to work with). But I felt that their opposition sprang from a genuine conviction that my proposals would impair efficiency. Brought up in bureaucratic traditions their angle of vision must be somewhat different from that from which a Minister would look at things. But, once my mind was made up, I had no hesitation in overruling them, and I saw that my orders were carried out.

Under rules framed by the Governor of Assam under Sec. 49 (2) of the Government of India Act for the transaction of business in his executive council and with his Ministers, all cases in which the ministers negative a recommendation or overrule a decision of a Head of Department must be submitted to the Governor before orders are issued. Many such references had to be made in my time and I think in all important cases the Governor let me have my own way. I do not say that the Departmental Heads felt particularly happy under these altered conditions. But Sir John Kerr with whom I worked most of my time made it clear to them that they were in every way subordinate to the Ministers and must carry out their orders. As the Heads of Departments, however, came to know me more and more and as I saw more and more of actual administration, differences between them and me in essential matters became very few and we got on smoothly enough. During my time the policy of the Departments in my charge was in the main my policy.

A question has often been asked me if I have ever been overruled by any Governor. My answer is "no." If I had been overruled in any important matter I would not have been there for a minute longer. What actually happens is this. All important matters, especially the ones involving questions of principle are, under standing orders, submitted to the Governor. He expresses his views. They may or may not coincide with those of the Ministers. In the latter event it is for the Minister to decide whether he would accept the Governor's views or stick to his own. The question of veto would only arise if after considering the Governor's view, he sees no reason to change his mind and the difference is on a matter of essential principle. We often personally discussed matters and discovered a *via media*. There was no surrender of any essential principle on my part. There were cases in which I could not accept the Governor's advice and the Governor let me have my own way—there were others in which out of deference to his administrative experience I thought it prudent to follow his advice and subsequent events showed that in doing so I was wise. In one instance in particular the Governor saved me from making a mistake. I proposed a change of a rather radical character. He did not overrule me—for that was not Sir John Kerr's way—but put forward certain considerations and advised me to wait until something had happened when the matter would be taken up again. I agreed. At the same time he realised the gravity of the evils I was anxious to root out and suggested an interim solution for my consideration. The suggestion exemplified the difference between an experienced administrator and an inexperienced enthusiast. His plan has been working admirably well and I got credit for what was not my work at all. It was not long before I discovered my mistake. I am grateful that the Governor intervened with such good effect. Once you feel that the Governor is genuinely anxious to help you, you feel the more readily inclined to listen to his advice and once the Governor knows that his Minister is honestly trying to do his duty he helps him in his endeavours to the best of his ability. Personal factors count for so much in the working of a constitution so peculiar as Dyarchy. My relations with the Governors with whom I worked were on the whole cordial. They were all anxious to support my authority and dignity.

The fact that we the Ministers got on so well with



the Governors was in some quarters regarded as an indication that we were subservient. Nothing is further from the truth. Our task was some times uphill but we fought without finching and almost always succeeded in carrying our points. Referring to this unfounded accusation Sir John Kerr once remarked that he wished he could show some of my files to my critics.

*Joint Responsibility of Ministers.* The Governor has to choose as Ministers persons who have the confidence of the House. When the party system is well developed and there is a majority party in council there is no difficulty. During the life of the first council there was hardly any party. In choosing his Ministers the Governor was mainly guided by the intrinsic worth of the members, the position they held in public life and the supposed necessity of representation of the majority communities in the Ministry. The attempt was to find out men whom the council could be expected to listen to. The second council saw the birth of the Svarajists. They were a strong party but in a minority and pledged not to accept office. There was no other party worth the name. The conditions in the present council are much the same. Almost the same considerations therefore have all along guided the Governors in the choice of their Ministers. Under such circumstances it is difficult for Ministers to accept joint responsibility.

During the period that I was a Minister, I had for a few months a Hindu and for full three years a Muhammadan as my colleague. Each of us did his work without reference to the other and except for matters, which under Governor's orders were brought up before a joint meeting of the Members and the Ministers, we knew very little of each other's work. There were things done by my colleague which I did not certainly approve and I dare say there were things which I did but which were not approved by him. But in council we supported each other with our votes. He had the sympathy of some members of the council, I had the sympathy of some others and we rallied to each other's support with our friends whenever necessary.

*Finance Department.* The provision that the Finance Department is to be in charge of a member of the Executive Council has been strongly criticised. The justification for this provision is stated to be economy, convenience and the fact that the bulk of the revenue will fall to be spent by the reserved side.

Much may be said on the other side but in view of the suggestions which I propose to make later on, this point need not be laboured. Suffice it to say that this rule has given rise to much misunderstanding and suspicion and the charge has been freely levelled that the transferred subjects are starved for the benefit of those reserved. If I remember aright, we had notices of resolutions in council recommending that the Devolution Rule No. 36 might be altered so as to place the Finance Department in charge of a Minister. In Assam, until lately, the Ministers had charge of spending departments only and so great is the need for money in those departments that I cannot think of a time yet when they will have had enough. But I do not think that even if a Minister had been in charge of finance, the complaints could have been less frequent or less loud. The earning departments must be kept in a state of efficiency—so also the departments concerned with law and order, and they together with the P.W.D. consume the bulk of the revenues. These have to be provided for first. A Finance Minister might perhaps make a cut here and a cut there but I do not suppose he could take away enough from the Members to satisfy the need of the transferred departments. It is the system rather than the man that is at fault. The Auditor General suggested before the Muddiman Committee that the Finance Member should have no other functions. The committee mainly out of pecuniary considerations modified the suggestion so far as to recommend

that he should not be in charge of any of the main spending departments. This recommendation of the committee has not been given effect to in Assam because the province is considered too poor to indulge in this luxury.

If under the present constitution a Minister had been placed in charge of Finance, his position would have been extremely unenviable. I would certainly have refused that portfolio under the present circumstances.

*The relation between the Finance Member and the Ministers.* Under Devolution rule 37 (f) the Finance Department is responsible for watching the state of the Local Government's balances. This has been held to justify the Finance member in calling upon the administrative departments not to incur new expenditure even though sanctioned by the council, should he find in the course of the year that the revenue is not coming in as expected. The Finance Department often declines to examine and advise on schemes involving new expenditure on the ground that no money is likely to be available for it. The consequence is that when money is available no scheme is ready for examination and the Finance Member declines to provide for it. Besides, the Finance Department does not always confine itself to an examination of the financial aspect of a proposal but often goes into the policy underlying it. The mischief is obvious. The Minister is responsible to the Legislature while the Finance Member is not; for the latter, therefore, to examine the policy of the former is open to grave objection. If a Minister thinks his staff is under-manned or under-paid, he has got to satisfy the Finance Department that this is so. Even that is not sufficient. The Finance Department considers itself free to object that if the minister's proposals were accepted other Departments could with justice put forward similar proposals, for all of which it could not find money. I have also experienced on occasions difficulty in getting the Finance Department to sanction reappropriations. In matters like these a Finance Minister would have been more sympathetic and would if necessary be disposed to stretch a point in favour of the Ministers.

*Financial relations between Reserved and Transferred Subjects.* In the distribution of the surplus revenue I do not think that the transferred departments were unfairly treated. And I am not in favour of a separate purse. A separate purse must either arise from separate sources of revenue or a definite share of the Provincial revenues. Neither of these arrangements can be satisfactory. Again, if the purse were separate, the Ministers could have no say in respect of the reserved subjects. With a joint purse, each side will have a say in respect of the other, and, assuming that all are interested in seeing the Reforms succeed, the advantage will on the whole be on the popular side.

*The attitude of the services towards the Reforms and the Ministers.* In discussing the attitude of the services it should be recognised at the outset that the I.C.S. overshadows all the other services, whether All-India or Provincial. Mr. Lloyd George spoke the truth when he said that I.C.S. is the "steel frame" of the administration. In fact, it would not be far from the truth if one were to say that on any question of administrative policy the attitude of the I.C.S. generally determines the attitude of the other services. This is only to be expected, for, apart from their great abilities, they occupy all the key positions in the field of administration. As to their attitude towards the Reforms, it should be remembered that they were brought up in the older traditions which made them protectors and governors of the people. They were suddenly called upon to play a very different rôle. Some of them entertained genuine doubts as to the wisdom of the changes introduced. Some even considered them as revolutionary. The new order of things could not be altogether agreeable to them. Yet, having had a duty cast on them, they put their shoulders to the wheel and I gladly acknowledge the help I received

from them. From some of them I received the most loyal co-operation. Some others, though not equally enthusiastic, yet did their part. Yet others appeared to be indifferent and yet carried out orders. There were of course a few whom I suspected to be secretly hostile, but that does not alter my opinion that the service as a whole was anxious to help.

What is true of the I.C.S. is generally true of the other All-India services. The Provincial services, manned practically as they are by Indians, of course, wholeheartedly welcomed the change.

*Joint Deliberations.* The usual procedure was to have weekly meetings of the members of the Government. At such meetings important questions arising in both sides of the Government used to be brought up generally at the suggestion of the Governor and occasionally at the request of the Member or the Minister concerned. There used to be a general discussion and the opinion of the Government as a whole ascertained. When differences arose, search was often made for a *via media* and generally with success. These discussions had the important effect of enabling each side of the Government to know the minds of the other side as regard the policy of the departments in its charge, and, to a certain extent, the general policy of the Government as a whole was influenced thereby.

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The only answer I can give to the committee is that Excise has since been transferred but that none of the difficulties they anticipated has arisen. And I venture to predict that none of the difficulties will arise if Forests and Public Works are transferred. Nor is there any reason why these subjects, so far as the reformed areas are concerned, could not be transferred. Education is partly reserved and partly transferred, but this has given rise to no practical difficulties.

The presence of the backward tracts has adversely affected us in other ways. We have no hand in the administration of these areas but have had to contribute about seven lakhs of rupees annually for their upkeep. The Stamp and the Court Fees Acts were amended in the teeth of strong opposition from the public. But they fetched only 3 lakhs of rupees a year. If we had not these 7 lakhs to find, we could avoid taxing ourselves at that time. To this subject I shall revert later on.

*The Council and the Ministers.* I think the council as a whole appreciated the difficulties of the Ministers and showed itself willing to help them. Personal attacks were very few, criticisms being confined to what were considered their sins of omission and commission. There was of course the militant section which pretended to wonder how any self-respecting and patriotic Indian could accept the office of the Minister under the Dyarchical constitution. But I know they knew the answer and

if they kept on continuously harping on the same string it was out of no ill-will towards those who had accepted the office but only as a protest against the present constitution. In all measures conducive to public good, the Ministers generally had the support of the members irrespective of their political creed. The council of course often made recommendations which the Ministers did not approve or could not carry out for want of funds or other reasons. There was naturally a sense of irritation. But the Ministers were always anxious to give effect to their wishes. If they always could not do so it was because as practical administrators they often saw disadvantages or difficulties which were not clear to the ordinary members. To criticise is one thing, to act is another and this is nowhere more forcibly exemplified than in the fact that an ordinary member when he becomes a Minister undergoes a sort of metamorphosis in his mental outlook. Attempts have been made from time to time to reduce the salary of the Ministers, but they were the outcome of a desire to effect economy and not to spite them. Complaints have been made that Ministers have often voted with the Government in support of measures of which they did not at heart approve and that even when they openly disapproved of any Government measure, they have refused to cast their vote against it. The first is an assumption altogether unfounded. When we have differed from Government, we have withheld our vote. Sometimes the Government have modified their proposals to secure our support. The other allegation is of course true, but this was because the exigencies of the constitution required, as recommended by the Joint Parliamentary Committee, that, in open council, neither side of the Government should oppose the other by speech or vote. It must not be forgotten that the Ministers cannot afford to neglect the voting strength at the disposal of the Government. There is no majority party in council and the temper of the council is uncertain. A good many members vote just as their fancy dictates. Many members have their eyes to the gallery and the prevailing temper of the Press. Having no party affiliation they have been found on occasions to ally themselves with avowed wreckers. On occasions such as these, it is the Government support that enabled the Ministers to do their duty.

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As for the council as a body it regards him as a bureaucrat who has been armed with exceptional powers over the council and the Ministers. The power of certification is the one to which the greatest objection has been taken and which was in my time often exercised. These cases arise on the reserved side and I remember having been once consulted. Opinion may differ as to the propriety of certification in all cases, but in some cases the Governor was almost compelled to certify. There is no justification for the impression that the Governor wantonly disregards council decisions.

*The influence of the Council.* The council influences the policy of the Government as a whole to an extent not generally recognised. Every decision of the council is carefully considered. It may not always be possible to give effect to it, but it is not without its effect. In making proposals the wishes of the council are always borne in mind and an attempt is made to meet them as far as practicable. Especially is this so in the case of the transferred departments. As regards the reserved subjects, although the Governor-in-Council remains formally responsible to

Parliament the Provincial Legislative Councils are directly concerned in them. They are to legislate with regard to them, they are to discuss and deal with the Budget which contains provisions for them. Some of the members come into intimate touch with the administration through various committees. The Governor-in-Council can indeed secure legislation and obtain funds in spite of opposition from his Legislative Council, but in shaping his course with regard to such subjects he has to take into account the important factor of his relations with the Legislative Council and its Ministers. The Legislative Council's sphere of influence therefore extends beyond the actual area of transferred departments.

The fact that the council resolutions are mere recommendations as also the fact that the Governor possesses powers of certification have tended perceptibly to weaken the sense of responsibility of the councillors. Sometimes proposals have been made without regard to their logical consequences because the members knew that the Government had the power to prevent the mischief and would certainly step in. Ordinarily, however, the Assam Legislative Council has acted with a due sense of its responsibility and the Province owes a lot to it.

*The future constitution of India.* The Central Government consists of the Governor-General and his Executive Council. They are responsible to Parliament and not to the Indian electorate. The latter have no voice in their appointment nor can they turn them out of office by their vote. At the same time, the Legislative Assembly contains an elected majority and can even discuss military and political expenditure. The result has been as could well be anticipated. The Assembly has no constitutional responsibility for carrying on the business of Government and need not be reasonable. The Governor-General has emergency powers to overcome deadlocks. While, therefore, the Government accuses the Assembly of want of a sense of responsibility, the people accuse the Government of unmitigated autocracy. An irresponsible executive and an elected legislature can ill assort together. No wonder that there has been a persistent demand for reform of the Central Government.

The authors of the Montagu-Chelmsford Report have given a picture of the future constitution of India which in its main outlines has received public approval in India:—"Our conception of the eventual future of India is a sisterhood of States self governing in all matters of purely local and provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a Central Government, increasingly representative of and responsible to the people of all of them; dealing with matters, both internal and external, of common interest to the whole of India; acting as arbiter in inter-State relations, and representing the interests of all India on equal terms with the self governing units of the British Empire. In this picture there is a place also for the Native States. It is possible that they too will wish to be associated for certain purposes with the organization of British India in such a way as to dedicate their peculiar qualities to the common service without loss of individuality."

The same ideal was foreshadowed as early as 1911 in the Coronation Durbar Despatch to the Secretary of State for India from Lord Hardinge's Government. "The only possible solution of the difficulty would appear to be gradually to give the provinces a larger measure of self-government until at last India would consist of a number of administrations autonomous in all provincial affairs with the Government of India above them all and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern." The Indian National Congress has declared itself in favour of full responsible government of a federal type. Dr. Besant's Commonwealth of India Bill is an attempt to evolve a federal

constitution suited to the peculiar conditions of India and has influential backing. The question therefore is—Should we be justified in pressing for introduction of responsibility in the Central Government at the present state of our political development? Opinions are sharply divided. To many it would be a leap in the darkness. Others foresee no evil consequences. Personally, I incline to the view that we should wait until we have had experience of the working of responsible government in the provinces.

The Central Government has to deal with problems which in their range and complexity far exceed any that may fall to any provincial Government. Responsibilities which may without undue risks be entrusted to the people in the provincial sphere, it may be positively unsafe to entrust to them in the sphere of the Central Government until we have an electorate adequately numerous and capable of understanding the issues and controlling the executive. I am aware that it has been suggested that a system of Dyarchy should be introduced in the Central Government, defence and foreign relations being reserved, and the rest being transferred to the control of the elected representatives of the people. Constitution-making is not perhaps difficult on paper and the above proposal has its attractions. But the evils of Dyarchy will be there apart from the novelty of the suggested change.

No constitution based on academic considerations will be a safe one. I am, however, clear that the Central Government should be so constituted as to make it more representative of Indian opinion and more amenable to the influence of the Assembly. Having had no experience of the actual working of the Central Government, I am not in a position to suggest what changes would best conduce to that result. It will be something if in the Governor-General's Executive Council there is a majority of Indians and selections are made from people who more or less enjoy the confidence of the public.

I am also clear that the Secretary of State's control over the Government of India should be considerably relaxed, especially when the Government of India and the Indian Legislature are in agreement. I concede that so long as the Parliament remains responsible for the good government of India—and that responsibility will continue until there is a properly trained electorate to take its place—the Parliament cannot divest itself of all control. But the Government of India is in more intimate touch with Indian conditions than the Secretary of State and the control of the latter should be reduced to the minimum possible.

I have suggested complete autonomy for the Provinces. But, however desirable it may be, we must take care that as the result of it the Provinces do not fall apart. The Central Government should be armed with powers to intervene when necessary. In India the forces of disruption are many and they can only be controlled by a strong Central Government. Provincial autonomy cannot mean absolute independence, for there can be no federation if the constituent parts are absolutely above the Federal Government.

*Representation of Assam in the Legislative Assembly and the Council of State.* Assam is very inadequately represented in the Legislative Assembly and the Council of State. According to population basis she is entitled to more seats. At present she sends two Hindus, one Muhammadan, and one European to the Legislative Assembly; and one Hindu every term and one Muhammadan every other term to the Council of State. The representation is practically nominal. I also think that the number of members of the Legislative Assembly should be increased. British India is too big to be adequately represented by 144 members. And further, the members of the Assembly should all be elected except of course the official members.

*Provincial Governments.* As for the Provincial Governments, I think there is practical unanimity in the country that Dyarchy should be scrapped not

from them. From some of them I received the most loyal co-operation. Some others, though not equally enthusiastic, yet did their part. Yet others appeared to be indifferent and yet carried out orders. There were of course a few whom I suspected to be secretly hostile, but that does not alter my opinion that the service as a whole was anxious to help.

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The same ideal was foreshadowed as early as 1911 in the Coronation Durbar Despatch to the Secretary of State for India from Lord Hardinge's Government. "The only possible solution of the difficulty would appear to be gradually to give the provinces a larger measure of self-government until at last India would consist of a number of administrations autonomous in all provincial affairs with the Government of India above them all and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern." The Indian National Congress has declared itself in favour of full responsible government of a federal type. Dr. Besant's Commonwealth of India Bill is an attempt to evolve a federal

constitution suited to the peculiar conditions of India and has influential backing. The question therefore is—Should we be justified in pressing for introduction of responsibility in the Central Government at the present state of our political development? Opinions are sharply divided. To many it would be a leap in the darkness. Others foresee no evil consequences. Personally, I incline to the view that we should wait until we have had experience of the working of responsible government in the provinces.

The Central Government has to deal with problems which in their range and complexity far exceed any that may fall to any provincial Government. Responsibilities which may without undue risks be entrusted to the people in the provincial sphere, it may be positively unsafe to entrust to them in the sphere of the Central Government until we have an electorate adequately numerous and capable of understanding the issues and controlling the executive. I am aware that it has been suggested that a system of Dyarchy should be introduced in the Central Government, defence and foreign relations being reserved, and the rest being transferred to the control of the elected representatives of the people. Constitution-making is not perhaps difficult on paper and the above proposal has its attractions. But the evils of Dyarchy will be there apart from the novelty of the suggested change.

No constitution based on academic considerations will be a safe one. I am, however, clear that the Central Government should be so constituted as to make it more representative of Indian opinion and more amenable to the influence of the Assembly. Having had no experience of the actual working of the Central Government, I am not in a position to suggest what changes would best conduce to that result. It will be something if in the Governor-General's Executive Council there is a majority of Indians and selections are made from people who more or less enjoy the confidence of the public.

I am also clear that the Secretary of State's control over the Government of India should be considerably relaxed, especially when the Government of India and the Indian Legislature are in agreement. I concede that so long as the Parliament remains responsible for the good government of India—and that responsibility will continue until there is a properly trained electorate to take its place—the Parliament cannot divest itself of all control. But the Government of India is in more intimate touch with Indian conditions than the Secretary of State and the control of the latter should be reduced to the minimum possible.

I have suggested complete autonomy for the Provinces. But, however desirable it may be, we must take care that as the result of it the Provinces do not fall apart. The Central Government should be armed with powers to intervene when necessary. In India the forces of disruption are many and they can only be controlled by a strong Central Government. Provincial autonomy cannot mean absolute independence, for there can be no federation if the constituent parts are absolutely above the Federal Government.

*Representation of Assam in the Legislative Assembly and the Council of State.* Assam is very inadequately represented in the Legislative Assembly and the Council of State. According to population basis she is entitled to more seats. At present she sends two Hindus, one Muhammadan, and one European to the Legislative Assembly; and one Hindu every term and one Muhammadan every other term to the Council of State. The representation is practically nominal. I also think that the number of members of the Legislative Assembly should be increased. British India is too big to be adequately represented by 144 members. And further, the members of the Assembly should all be elected except of course the official members.

*Provincial Governments.* As for the Provincial Governments, I think there is practical unanimity in the country that Dyarchy should be scrapped not

only because of its inherent defects but also because the politically-minded Indians are thoroughly against it and few will be found willing to work it for another term. No constitution can have any chance which has not behind it the good will of those who will be called upon to work it.

The last eight years have demonstrated the capacity of Indians for self-government and I have no hesitation in suggesting that all the subjects should be transferred to the control of the Ministers. The Governor would of course retain his veto and his power of dissolving the Council, and as a further safeguard I would invest the Indian Legislature with powers to withdraw any subject from provincial control should public interests so require.

It might be argued that when you provide so many checks, you imply, indirectly at least, that your people are not yet fit for responsible government. My answer is that responsibility can only be taught by giving opportunities for its exercise. You provide checks in order to minimise risks and prevent and undo mischief.

I would also have a Second Chamber of the Provincial Legislature. Even in more advanced countries its necessity has been felt and recognised "as a valuable check on the possibly too radical proclivities of a lower House." There is of course the other side of the picture, but I believe its advantages far outweigh the disadvantages likely to result from it. There is no real democracy in any country. Party or "interests" govern with some fiction of the consent of the governed, and a lower Chamber is not really democratic. It is an oligarchy in the garb of democracy and the existence of the Second Chamber, while performing a useful function, will not make the constitution any less democratic.

*Electorate.* I would give a vote to every man who is literate. This will not only encourage literacy but also enfranchise a very large number of educated people who, under the existing franchise, have no votes, but who influence political thought in no small degree. I would also give a vote to every man who pays any direct tax. The fact that one is a tax payer ought to be enough. What will be the percentage of the voters to the total population I am not in a position to say, but we must remember that, at the time of the Reform Act of 1832, only 3 p.c. were enfranchised in England.

Indians are sober and intelligent, and inheritors of an ancient civilisation to which representative institutions were not unknown, and, in spite of their illiteracy, can understand things. It is possible to exaggerate the drawbacks of illiteracy, but I have found, in the course of my electioneering campaigns, that if things are explained to him even an ordinary cultivator can take an intelligent view of them. I do not say that an ordinary elector has any conception of his function in the State or that he has learnt the potency or the use of his vote or that any degree of organic connection has yet been established between the electorate and the legislature—things which are considered essential to the proper functioning of a democratic constitution. But, if we are to wait until every voter has become as capable as a voter in England or America, we should have to wait for perhaps a century yet. After all, it is the educated people who create opinions. Given responsibility, they will educate the mass and, in the process, themselves learn to appreciate the significance of democracy better. It is often said that it is after long and laborious stages that democracy has been established in other countries and we cannot avoid the same process, but we have the advantage of the experience of other countries and can move faster.

*Electoral Divisions.* At present, for the general constituencies in Assam, a subdivision is generally the unit, irrespective of its size or population. It is too big and having regard to the difficulties of communication, the constituencies ought to be smaller. I think one member for each lakh of population will not only secure adequate representation but also considerably reduce the size of the constituencies.

*Elections.* We have got the ballot system of voting, but little secrecy is observed and the polling officers cannot often keep control. This is, in most cases, due to defective arrangements of the polling booths which are generally school buildings. The poor voter has often to vote under the very gaze of the candidates or their supporters and at close quarters from them. The number of polling stations is again too small. Each of them is intended to serve a radius of about 5 miles—but some voters are required to travel longer distances. This not only affects the number of votes recorded but also adds to the election expenses. Absence of a sufficient number of reliable polling officers is the excuse put forward. This is probably true, but, you cannot withhold proper facilities from electors for this reason. Corruptions prevail to an appreciable extent not only in the shape of pecuniary bribes, but also in other shapes such as undue influence, coercion, promises of advancement and so forth. But, perhaps these are unavoidable, at any rate in early stages. In his book on Modern Democracies (1921) Bryce referring to elections in Canada remarks:—"Bribery, however, is not rare. The laws enacted on lines found effective in England failed to restrain these malpractices, usually managed by underlings and apparently by both parties alike. Happening to hear a politician complain bitterly of the heavy expenditure by the opposite party which had caused the defeat of his own, I enquired why petitions had not been more largely presented by the losing side and was answered that things might have come out which were better left in darkness. Each side had bribed because it believed the other to be bribing and the wealthier party got the best of it; for money counts here as in most countries and campaign funds are thought indispensable." Election expenses have gone up very much and if things continue as at present, it is but the rich who alone will contest. The really deserving but poor folks will have little chance. The present council does not contain the best men of Assam. There are some people who ought not to have been there, and would not have been there but for their wealth.

*Joint and Separate Electorate.* I am for joint electorates, with seats reserved for communities which are in a minority in any province should the latter so desire. At present the minor communities claim not only reservation of seats but also communal electorates. The Mahomedans claim the same even where they are in a majority. The disadvantages of communal electorates are obvious, but joint electorates will not of themselves breed and foster a sense of national life unless and until the communities concerned realise the identity of their interests. Where this realisation is absent, joint electorates will only create a sense of grievance and further embitter feelings already overstrained. Where, therefore, the desire for a separate electorate is strong, I think it would be wiser to recognise it until the constituencies concerned realise its undoubted evils.

But on what basis are the seats to be allotted? Mahomedans claim on the basis of population where they are in a majority, and special representation where they happen to be in a minority. Europeans and Anglo-Indians claim on the basis of their "interests at stake." To me, none of these bases seems to be fair. European and Anglo-Indian can never be numerous enough to do without the help of the Indians and should learn to rely more and more on Indians. Only, they should be allowed opportunities of representing their views and needs.

The population basis would not always be fair. If a community pays 60 p.c. of the taxes, but forms only 40 p.c. of the population and is given representation to the extent of 40 p.c. only, the consequence would be that other people will, by virtue of their numerical superiority, spend the money it pays into the Exchequer. In reserving seats, considerations such as the taxes paid by a community, its progress in education and the number of voters it supplies

ought also to be given weight along with the numerical strength.

I wish our Muhammadan brethren did not claim special representation. This only serves to estrange feelings. If population is to be the basis of representation, I do not see why it should not be applicable to minor communities as well.

*The composition of the Legislative Council and the Second Chamber.* The Legislative Council should only consist of elected members while the Second Chamber should contain a nominated element as well. The mutual relations between the two Houses as also the constitution of the Second Chamber are matters on which I do not wish to express any opinion at this stage.

*Ministry.* In appointing Ministers the Governor should follow the English practice. He should appoint the Prime Minister from the majority party and leave to the latter the appointment of the other Ministers. In the absence of a majority party the right course for him would be to ask the Council to elect its own Ministers. Such a Ministry may be expected to command a working majority. Hitherto, Ministers have been appointed in Assam so as to give one Minister to each Valley, one of whom, again, has to be a Muhammadan. It was possible, until the last council, to get outstanding men who would satisfy these tests. But the composition of the present Ministry has given rise to widespread dissatisfaction and if communal considerations had not been given undue weight a better personnel could certainly be secured.

The responsibility of the Ministers should be joint as in the British Constitution. The absence of joint responsibility affects the solidarity of the Government and tends to encourage disunion and intrigue.

*The Public Services Commission.* Experience of the working of democracy in other countries has shown that in order to secure an efficient Civil Service it is essential that the services should be protected from political and personal influences and given stability and security. In Canada, Australia and South Africa they have got Public Services Acts regulating the position and control of the Public Services and the duty of administering these Acts has been entrusted to a Public Service Commission. The Government of India Act provides for the appointment of a Public Service Commission to discharge "in regard to recruitment and control of the Public Services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council." We have got a Public Service Commission appointed by the Secretary of State in Council, but no Public Service Acts. I am strongly of opinion that, in the interests of purity and efficiency of administration, legislation should be undertaken to deal with the matter. I think, further, that it is the Central Legislature that should legislate; for, among other things, this will help in setting a uniform standard of administration throughout British India. The Act or Acts would make provisions regulating standards of qualifications, methods of recruitment, conditions of service, pay, allowances, discipline and conduct.

Recruitment may be made outside India by the Public Services Commission through such agency as it may deem suitable.

All appointments will be made by the Government of India in which the ultimate control will be vested.

I am aware of the strong objections that the British element in the All-India Services will take to this transference of control to the Indian Government, but it should not be difficult to provide by legislation suitable safeguards for the protection of their interests. We gratefully appreciate the good work that the British element in the different Civil Services of India have done, and I personally think that British Officers will be very much in requisition by the Ministers for years yet. But the position of the All-India Services has an important bearing on the constitutional development of India, and if India is to continue as part of the British Empire we have

a right to expect the Britishers to be reasonable. We only wish to assimilate their position in India to that of the permanent Civil Services in their own country.

The Indian Civil Service and the Indian Police Service are recruited for Assam, as for the other Provinces, by the Secretary of State. The Provincial and some of the subordinate services are recruited by Selection Boards which consist of members nominated by the Government. The proceedings of the Board do not inspire public confidence. People fail to discover in them any uniform principle. Outstanding candidates have often been rejected in favour of candidates with but poor qualifications. What are called communal considerations are really political. There are territorial considerations too—so many appointments for this valley, so many for the other. The result has been unfortunate. Our services compare very unfavourably with the corresponding ones in the neighbouring Province. There has been a deterioration of the standard of administration and I regret to have to observe that the honesty of the services is also being gradually affected.

I have already suggested that the methods of recruitment, qualifications of candidates, etc., should be laid down by the Indian Legislature. I would only remark that the competitive test has been found to be the best test everywhere. It may not be the ideal test, but undoubtedly comes nearest to it. I am no believer in communal representations in services. The so-called advantages are far outweighed by the deterioration of efficiency. The best public servant is he who can serve the public best. I have heard it said that a mere educational test is not a sure test. Neither is any other. But as a general proposition it may be stated that the possession of high educational qualifications implies the possession of the other requisite qualities.

The Assam Government has consistently opposed a competitive test. Apart from the supposed necessity of communal representation in the services, the presence of the backward tracts is urged as a ground for its opposition. Unless it is contended that the intellectuals of the plains districts are ill-fitted for service in those areas, there is hardly any sense in this attitude.

*Territorial Redistribution.* My own view is that the whole of Assam should be transferred to Bengal, or, rather, that the plain districts should be transferred and the hill districts made over to the Government of India to be administered by the Government of Bengal as an agency area. There are officials who entertain a similar view. The ninth despatch on the Reforms refers to this opinion, but the Government of India declined to go into the question on the ground that the demand should come from the people themselves.

There are mainly two objections taken to the proposal. The first is that the amalgamated province will be too large for a single administration; and, the second is that the people of the Assam Valley are opposed to it. The first ground is hardly tenable. Bengal, as it is, is too small for a Governorship. Not very many years ago Bengal, Bihar and Orissa constituted one Lieutenant Governorship. It is true that the Reforms have increased the pressure and strain on the Government, but there are now 4 members of the Executive Council and 2 Ministers (whose number may also be increased) and they may be expected to be able to cope with the work. The Assam districts are now easily accessible. The second objection is based mainly on selfish considerations. The people of the Assam Valley occupy a privileged position and nobody would part with his privileges so long as he could help. They fear, they say, that in case of transfer, their individuality will be merged into that of the Bengalis. But there is so much common between the Assamese and the Bengalis that this argument is almost pointless. Place a Bengalee lad and an Assamese lad side by side, you will hardly know the one from the other.



Rai Bahadur PRAMODI CHANDRA DATTA.

[Continued.]

If we are to be a nation, we should try to get rid of artificial differences instead of magnifying small ones or creating them where there are none.

Assam, as it is, is but an appanage of Bengal. There are so many things for which it has to depend on its neighbour that, if asked to stand by itself, it would find itself at sea. Assam has no High Court, no University, no Engineering or Medical College, or other high educational institutions, for all of which it has to rely on its neighbour's generosity. Again, the development of the resources of Assam requires capital and enterprise which is not available in the province itself. In the extent of its territory it is not much behind Bengal, but it is far richer in its natural resources, which are however lying untapped. The reclamation of the Assam jungles is going on through the labours of the Bengal peasants who have migrated by lakhs and are still migrating. Assam cannot find enough people for the purpose. Where the connection is so intimate and many-sided, amalgamation is but a natural process.

In the redistribution of provinces, sentiment alone cannot be the governing factor. Other considerations arise and must be given due weight. There is little against amalgamation except sentimental objections on the part of a section of the people. The reason in favour of it are far weightier and should, in the interest of all concerned, prevail.

There has been a demand for transfer of Sylhet to Bengal which was reinforced by resolutions in the local Legislative Council. Cachar wishes to remain in Assam, but if Sylhet goes out it is not prepared to be left behind. There is also a demand in Goalpara for its transfer.

If there is a case for the transfer of Sylhet, there is an equally strong case for the transfer of Goalpara and the plains portion at least of the district of Cachar which are Bengali-speaking; for the chief reason urged as justifying the demand is that all the Bengali-speaking districts have a right to ask to be amalgamated with Bengal. It should be added that in Goalpara there is a good proportion of Assamese-speaking people as well.

The demand for the transfer of Sylhet is not so strong now as before. The Mahomedans almost as a community now seem opposed to it and there has been a revulsion of feeling on the part of not a few Hindus. I voted in favour of the resolution moved in council for its transfer, some time ago, because, I had given the pledge to my constituency to support it and the vast majority of educated Hindus and Mahomedans were then in favour. But, in my note as a member of the Government, I pointed out the difficulties and disadvantages of the step. I enclose a copy of that note for reference.

#### NOTE.

My views on this question have been well known to His Excellency the Acting Governor for years. I wish to be in Bengal and that for reasons which His Excellency is well aware of.

Since I became a member of the Council I began to take interest in all parts of the province and in my Budget speech of the second year of the first Reform Council advocated that the whole of Assam should go to Bengal, and the more I think of the matter the more convinced do I feel that that is the proper course. I shall state my reasons briefly.

The total population of Assam is 7,606,230 according to the Census report of 1921, of this 3,524,318 are Bengali-speaking and 1,718,712 are Assamese-speaking, the rest, 2,363,200 being primitive tribes in different stages of civilisation and speaking a number of languages.

The province is therefore essentially a Bengali-speaking province and if Sylhet is to go why not the rest?

Again, if Sylhet goes, can the claim of Cachar and Goalpara be resisted? If the wishes of the people and racial affinity are any criteria, these two districts have the same claim as Sylhet. His Excellency Sir

John Kerr, in his prorogation speech indicated as much (so far as regards Goalpara); the population of Cachar is 527,228, of whom 313,797 are Bengali-speaking. The population of Goalpara is 762,523, of whom 405,710 are Bengali-speaking.

If the wishes of the majority are to prevail these districts must go. Even Sylhet is not unanimous. Apart from the masses who cannot be expected to understand the issues, there is some difference of opinion even among the educated classes. I do not see on what ground Cachar and Goalpara can be resisted. The question is not whether Cachar and Goalpara ever formed part of Bengal; that is immaterial. The question is, are the inhabitants—the majority—Bengali-speaking? Even the Ahoms are not the original inhabitants of this province.

If Sylhet, Cachar and Goalpara go to Bengal what remains of Assam? Only the 5 districts of the Assam proper and the Hill districts. Can they form an administration?

Again, if Sylhet alone goes, over 25 lakhs of the Bengali-speaking people go away. What about the remaining 12 lakhs? The Bengalis, who were the predominant people in the province, will at once sink down to a very secondary position. As a Bengali, I feel for them and would naturally like to take them with us.

Then again, if the Muhammadans of the Surma Valley, or even of Sylhet, go away, the Muhammadans of the Assam Valley will be in a minority and lose the strong position they now hold. I have spoken to some Muhammadan gentlemen of the Assam Valley and they fully realise the danger.

Then again, if competition brings out the mettle in men, then the Assamese will suffer for want of people to compete with.

Lakhs of Bengal people are migrating to Assam; the influx will continue as Assam is the natural field for expansion of the surplus population of Bengal. If checked, Bengal may retaliate, as it will certainly be justified when it becomes autonomous. Where will Assam then be?

To me, it seems, the solution lies in transferring all the plains districts to Bengal. The Hill districts should be administered by the Central Government through the Government of Bengal as an Agency area. This will also relieve the plains districts of the burden of maintaining the Hill districts at their own cost (some 7 lakhs).

I know it is said that Bengal with Assam will be too heavy a charge. That is hardly correct. By transferring the plains districts we merely add a division. Sylhet and Cachar will go with the Chittagong Division which is admittedly too small, the six Assam Valley districts will form a Commissionership. As it is, Bengal is too small a charge for a Governor and a Council of 4 Executive Members.

And we must not forget that Bengal, Behar and Orissa for years formed a Lieutenant Governorship.

If Cachar has spoken out its mind—viz., that, if Sylhet goes, it must also go—Goalpara is not inactive. It is moving in the matter and is just waiting to see what becomes of Sylhet.

Minus Sylhet, Goalpara will be the only permanently settled district in the province in the midst of a number of temporarily-settled districts—the danger is not fanciful and Goalpara knows it.

17th July, 1925.

P. C. DATTA.

I have only to add that two leading public men of a neighbouring district warned me that we were far from wise in agitating for the transfer; they pointed out how little attention they got from the Government of Bengal and how privileged was the position we were occupying in Assam. It is curious that while thousands of people from Bengal are continually migrating to the Assam Valley, we are trying to clear out of Assam.

In this connection, I should like to mention that the policy of the Parliament in regard to backward tracts is open to grave objections. They have been

placed outside the Reforms and are supposed to be the special care of the Governor-in-Council. But why should this be so? By isolating them you are blocking the way to all contact with the plains people. They are our neighbours and we are most vitally interested in them. The Legislative Council should have the same powers over these tracts as over the plains portions. Contact with the plains people is a far more potent agency for civilising the hills people than anything that the Government can do. The Khasis would not have been what they are, but for contact with the Bengalees and the Assamese. In saying so, I am not unmindful of the great services that the missionaries have done and are doing in this connection.

Then again, if we are not to have any part or lot in the administration of the backward tracts, why should we be made to pay for them? As it is, we are contributing annually something like 7 lakhs for their maintenance and at one time we had to raise additional revenue to meet this deficit. I have protested against this, both as an ordinary member of the Council and as a Minister, and I know that the Government of Assam did go up to the Government of India for a subsidy to cover this deficit, but, of course, to no effect.

If the backward tracts are to continue as parts of Assam, they should be brought within the pale of the Reforms and, considering that Assam is a poor province, the Government of India should give it a subsidy to cover the charges for their administration.

*Local Self-Government.* We have the Assam Municipal Act for the urban areas, the Assam Local Self-government Act and the Assam Rural Self-government Act for the non-urban areas. The first and the last Act were passed by the Reformed Council which has also amended the third Act passed in 1915.

*Assam Rural Self-Govt. Act.* The Rural Self-government Act has been enacted to give the people of the village an opportunity to manage the affairs of the village.

It is an attempt to revive, in a form possible under modern conditions, the old village communities. In each village there is to be a body called the Village Authority which will be elected by male adult suffrage and will have charge of such matters as water supply, roads, drainage, jungle clearing, medical needs and so forth. Provision has been made for the creation of a Village Development Fund to which contributions will mainly come from the provincial revenues. The Village Authority will have no general power of taxation, but can raise funds for any specific work of public utility. There are also provisions for its taking charge of primary education and of dispensation of justice in petty matters.

There was indeed a provision for the creation of Village Authorities in the Assam Local Self-government Act of 1915 and a number of Village Authorities had actually come into being, but they suffered from the disability that they were subordinate to the Local Boards and could only perform such functions as the latter might choose to entrust to them. The position was not calculated to develop the spirit of self-government in villagers. Under the Assam Rural Self-government Act, the Village Authorities have been taken away from the control of the Local Boards and placed upon an independent footing. The Act is full of possibilities and should be properly worked. I am afraid it has not received the attention it deserves either from the Government or from the Council.

*The Assam Local Self-Government Act.* Unlike Bengal, we have no District Boards in Assam. Our Local Boards are independent bodies with separate revenues of their own while the Local Boards in Bengal are mere agents of District Boards. While there is something to be said in favour of the District Board system, it suffers from the evil of centralisation and those who have had experience of the working of both the systems consider the Assam system as more efficacious.

The territorial jurisdiction of a Local Board is co-extensive with the subdivision of a district and each looks after the needs of the subdivision as a whole. The Local Government fixes the number of members of each Board, not less than four-fifths of whom must be elected. The rest are to be nominated by the Government. The qualifications of the voter are also prescribed by rules made by Government. An amendment of the Act to do away with nomination altogether was rejected by the Council. I was the sponsor of that amendment and still adhere to my view. The recent nominations to the various Local Boards have shown that they are made on no consistent and intelligible principle and often serve to defeat the wishes of the elected majority.

In addition to the evils of nomination, there are the greater evils of the communal electorate. Seats are distributed between Hindus and Mahomedans and Tea-planters with special electorates for each community. To have special representation on the Legislative Councils is bad enough, to insist on having it on Local Bodies is almost suicidal. If we cannot trust each other in the sphere of local self-government, we shall never come to trust each other in higher spheres where larger and more important interests are negotiated. If we wish to see India self-governing we must cure ourselves of our communal proclivities. I hope communal representation on the Local Boards will be abolished.

*Franchise.* The franchise for membership for the Local Boards is the same as that for the members of the Legislative Council. I suggest that there should be established a Village Authority under the Rural Self-government Act in every village, and that it is the members of the Village Authorities who should elect to the Local Boards. My reasons are, first, that owing to the size of the constituency and the numerical strength of the voters, the election expenses have been going up by leaps and bounds. If this tendency is not checked, it will be well nigh impossible for poor but qualified candidates to succeed. Secondly, there are people who would like to serve on the Board as well as on the Legislative Council. Unless they are very wealthy, they must choose between the two. But this will keep out many deserving persons. Lastly, the members of the Village Authorities will be persons of some consequence in their village and better able to exercise their votes.

The chairmen of Local Boards are to be non-officials, elected by the members themselves, unless any Board, by a two-thirds majority, ask the Government to appoint an official chairman. Recently, the Silchar Local Board has asked for an official chairman. The vice-chairman is always a non-official and elected. Appointments of chairmen and vice-chairmen do not require Government approval.

*Municipalities.* For the urban areas we have the Municipalities and for areas which are more urban than rural, and which, in the Local Government's opinion, require special arrangements, we have the small towns. The number of members is fixed by the Local Government but, in the case of Municipalities, it must not be less than ten or more than thirty. Not less than four-fifths of the members of the Municipality must be elected, the rest being nominated by the Local Government which may, however, direct that all the members shall be elected. I don't think this power has been exercised in favour of any municipality. The members of the small towns are either appointed or partly elected and partly appointed by the Local Government. The Chairman and Vice-chairman of all municipalities, except that of Shillong, are to be elected, the election of the chairman being subject to the approval of the Local Government. The small towns shall exercise such powers of the municipality as the Local Government shall direct. The Chairman and Vice-chairman of a small town are appointed by the Local Government and, if it so directs, may be appointed by the

Town Committee. There is no communal representation on Municipal Boards although, in the last council, there was notice of a resolution to introduce it. It was not moved however.

*Franchise.* The franchise is prescribed by rules made by the Local Governments, but is not confined to ratepayers. It is pretty wide but ought to be further widened by giving a vote to every tax-payer.

*Funds of Local Boards and Municipalities.* Local authorities receive no assignment of provincial revenues, nor are they allowed to levy surcharges on provincial and imperial revenues.

The municipalities levy their own taxes while the Local Boards are given the local rates (the land cess levied in Assam is so called). Both the Local Boards and Municipalities are allowed to appropriate the ferry tolls and pound receipts within their areas. Two kinds of subsidy are given to them, first, those recurring and non-recurring given for specific purposes; secondly, fixed recurring ones given for general purposes. They also get the free services of certain Government officers for purposes of inspection, advice, &c. Contributions to the local bodies from the provincial revenues are substantial. In the case of the Municipality, they would come up to nearly 15 p.c. of their total expenditure and in the case of Local Boards, to nearly 60 p.c. of the same. People are taking more and more interest in the affairs of the local bodies, and, what is more encouraging, is the fact that the landholders and other persons of importance in the villages are coming forward to take their rightful place. The predominance of the professional classes living in the towns, where the headquarters of Local Boards and Municipalities are located, is gradually diminishing.

The local bodies are doing good work. The members exhibit commendable public spirit and I am not prepared to admit that their efficiency has been deteriorated by the disappearance of the official connection with the Boards. But supervision is necessary. Functions given to them are varied and important, but want of adequate funds is a great handicap. They have indeed the power to increase their revenue, but, as containing an elected majority, they naturally hesitate to impose any fresh tax. Until the public conscience has been educated up to the need of meeting local needs by local efforts, much further progress cannot be expected. The demand will continue for more and more help from the provincial revenue.

*Relations between Central Government and Provincial Government.* The powers of superintendence, direction, and control, now exercised by the Central Government in relation to transferred subjects over the Provincial Governments are limited to the purposes specified in Devolution Rule No. 49. No change seems to be necessary in this regard.

I would not, at the present moment, add to the list of provincial subjects. The financial relations between the Central and Provincial Governments, raise questions which, I confess, I am not in a position to deal with satisfactorily. I would however invite the attention of the Commission to two matters. The first relates to the export duty on tea from Assam which amounts to many lakhs a year. The whole of it is appropriated by the Government of India. The second is that the plains districts of Assam have to contribute for the administration of the backward tracts, which ought to be the charge of the Central Government, more than 7 lakhs a year. I have referred to this matter at page 17 of this note. Assam is a poor province, but her needs are great. It should be considered whether a percentage of the export duty on tea could not be assigned to her and it is but bare justice that the Government of India should grant her a subsidy to cover the deficit in the cost of administering the backward tracts.

*Conclusion.* I do not think any opinion will

support the continuance of Dyarchy in the Provincial Government and it has been truly remarked that there is no half-way house between Dyarchy and responsible government. The Indian opinion, I believe, will generally support the introduction of responsible government in the Provinces subject to suitable safeguards. That the reforms have been successfully worked in Assam has been admitted by successive Governors and her claim to responsible Government cannot be resisted with justice. Government by a cabinet composed of Europeans and Indians appointed by the Crown on the recommendation of the Governor has been suggested as a possible alternative. This in fact is the scheme which the heads of certain provinces suggested when the reforms were under discussion, but which was rejected on the ground that it provided for no element of responsibility in the Government. To substitute it in place of Dyarchy would be a retrograde step. I do not anticipate anything but good from the transfer of the provincial subjects to the control of the Ministers. I know there is an opinion that it may be risky to transfer Land Revenue and Law and Order, but if any extra-precaution is considered necessary, these subjects may be made subject to central legislation. I have already suggested that power should be given to the Central Legislature to withdraw any subject from provincial control, which would be an additional safeguard. I saw it suggested somewhere that these subjects might be re-transferred to the control of the Central Government. I am afraid this would not be right and would arouse strong opposition. But I would see Dyarchy abolished even at the risk of losing control of these subjects for a time.

I feel the need for a strong Central Government and have not, therefore, restricted its existing powers of legislation in regard to the provincial subjects and its existing control over provincial legislation. These, combined with the safeguards provided elsewhere, ought to be potent enough to prevent abuse of powers on the part of the Ministers.

Of late, a class of politicians has arisen among us who consider it an essential preliminary to the political progress of India that the British Government should be banished from the land. They pretend to believe that, once that is accomplished, everything else will come out all right. They need not be taken seriously. Their attitude is the result of impatience born of desperation. Their impatience is not unnatural. I confess I am also impatient, but to invite anarchy is one thing, to face it when it comes along is quite another.

The Indian National Congress in its last session has declared national independence as the goal of the Indian people and lest anybody should misunderstand its meaning, Mr. Srinivasa Ayenger took care to make it clear that national independence is not dominion status, but total severance of the British connection. Mahatma Gandhi has condemned these heroics in his characteristic way. They need not trouble anybody.

I think the best minds of India are yet in favour of a dominion status for India. In an article which I contributed to a local weekly on the Madras Congress I developed the idea. I make an extract from it as representing the average Indian views on the subject.

"Pandit Jawaharlal confronted by an interviewer explained that the resolution did not declare India independent now but merely laid down what ought to be her ultimate goal. But we are far from independence yet. Why then this anxiety to tie India down to such an extreme ideal so far in advance? Pandit Motilal is prepared to accept the dominion status if only because it gives India a right to sever her connection with the British Empire. Why not follow him and wait till the dominion status is reached? There will be time enough then to make your choice. For aught we may think now, India might then find it to her advantage to continue her connection with the

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British Empire which before our very eyes is drifting towards an Imperial Federation. You have no right to anticipate her verdict any more than you can bind the future generations. A Canadian, an Australian or a New Zealander is as independent as a Britisher. Standing alone they are helpless against hostile attacks. As citizens of the British Empire, they need not fear the frown of even a First Class Power. Australia—a bigger continent than India—is seeking settlers, Japan is seeking outlets for her surplus population, who will find Australia very handy and convenient. Yet Japan dare not touch her. Imperial connection has some undoubted advantages and if placed on a federal basis—the Empire idea has not yet reached its highest evolution—no nation will like to revel in glorious isolation. Naoraji, Gokhale, Surendranath are honoured names in the history of constitutional struggles for the regeneration of India. It was not for nothing that they adopted a dominion ideal for their mother country. They would not shrink from any sacrifice their country might demand of them. But they had the gift of true statesmanship and saw clearly enough that India could achieve her destiny through British connection. The relations of the Dominions to the mother country are undergoing daily transformations and the British Empire may in its ultimate evolution

grow into a federation of the Dominions and the mother country. No position could be stronger than that which such a federation would ensure to its component parts."

I have not found it possible to recommend introduction of dominion status all at once. The Reforms have brought to the surface serious conflicts of interests among the various races. We should watch the effect of introducing responsible Government in the provinces before handing over the Central Government to popular control. I would expect the Commission to declare that Responsible Government of a federal type is best suited to the peculiar needs of India and suggest steps which will lead to the realisation of that ideal in the shortest possible time. I would respectfully impress upon the Commission that things are moving very fast in India, that a spirit of restlessness is spreading over the face of the country, that the people's faith in British connection is being gradually shaken and that the younger folks are getting restive and thirsting for braver methods. It is not statesmanship to ignore the warning voice of the educated. They create opinions which filter down to the masses. Unless a substantial advance is made towards the realisation of responsible Government, educated India will not be satisfied.

## SHILLONG.

Dated 4th January, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, RAJA NAWAB ALI KHAN, SIR ZULFIQAR ALI KHAN AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE ASSAM PROVINCIAL COMMITTEE.

## RAI BAHADUR PRAMODE CHANDRA DATTA

1. *The Chairman* : Rai Bahadur, I think you were a minister in Assam for some four years?—Yes.

2. From September, 1922, to December, 1926, is my note?—That is so.

3. What was the department of which you were minister?—For some time I was in charge of all the departments, and then in charge of local Self-Government.

\* \* \* \* \*

31. You mean, whatever be the amount of forests in the area which in the future is called the province of Assam, whether it be more or less, you would like to see the subject of Forests transferred?—Yes.

32. Then what is your view about the hill tracts on the whole? What would your own advice be—that they should remain inside the province of Assam or that they should be put outside?—They should remain inside the province of Assam, and be given Reforms.

33. What do you mean by given Reforms?—They should be given votes, just as we have votes here, and should be allowed to nominate their representatives as we do.

34. I have not quite followed that. You see, there is a view presented to the Conference, one view, that the hill tracts should be excluded from the area of the province of Assam?—I am not in favour of that.

35. Another view which might be taken is that

the present arrangement is the right one; that is to say, that the hill tracts should be included within the province of Assam, but that they should be specially administered under the sections of the Government of India Act, which you are aware of?—I am against that.

36. Then what is it which you think would be right?—I would say that we should have a voice in the administration of the hill districts, as we have in the administration of the plains districts.

37. You mean that there should be no difference, you think, in the constitutional arrangements for the hill districts from those from the plains?—Yes.

38. You think that each district should return a member to the Assembly here?—That does not necessarily follow. It might be that these people would not understand the value of a vote very much now, but if they are given votes they will understand these things by and by. They will be trained. Probably for the present they will have to be represented by outsiders, but I would welcome even that; I would give them votes, which would give them a training. If you isolate them from us, the result will be that they will never become one of us.

39. I think I follow your view, but tell me if I am wrong. Your view is opposed to taking the hill tracts away from the province of Assam?—Yes.

40. But you recognise that if they were retained within the province of Assam, for some time to

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[Continued.]

150. It would have nothing to do with the size of the area at all?—No.

151. *Lt. Col. Smiles*: With regard to Assam going to Bengal, do you think that the Assam valley proper has any hope at all of ever developing properly under Bengal?—I do not see why not.

152. You are an inhabitant of Sylhet, the other valley, I take it?—Yes.

153. With the exception of a little corner of Goalpara, do you think there is any district in the whole of the Assam valley which wishes to go to Bengal?—I do not know much about that myself. I know that there are people, some Assamese gentlemen, who want to go to Bengal.

188. On page 14 you say that, on account of the constituencies being unwieldy, you propose there should be one member for each lakh of population?—Yes.

189. You know the Muhammadan population is 22 lakhs?—Yes.

190. On this basis you suggest the Muhammadans should get 22 members in a council of 70, because the total population is about 70 lakhs?—You cannot work it out like that; the division of seats is a different matter altogether. I say the size of the constituency should be such that the population contained in it ought to amount to one lakh. That is what I mean.

198. *Rai Bahadur Amarnath Ray*: Are there any depressed classes among the Hindus of Assam similar to those in Madras and Bombay?—No.

199. Has not the process of social uplift been at work among the Hindus of this province for a long time past, by which the lower classes are gradually acquiring a higher status in society?—That is so.

200. Is not it a fact that the Kayastha caste of your district has been absorbing many inferior castes, such as Baruis, Tillis, Karmakars and so on?—Yes.

201. Have not the Yogis of Sylhet during your lifetime attained a higher status than they used to have before?—Yes.

202. Have not the Mahishyas of your district become a very influential and progressive class?—Very.

203. Are not all important organisations like the Indian National Congress and the Liberal Federation, the Social Service Leagues and the Rama Krishna Mission putting forth strenuous efforts for the uplift of the masses?—Yes.

204. Have you not found the Hindu members of the council very keen about the expansion of primary education?—Yes.

205. And the development of local self-government?—Yes.

206. And about the improvement of water-supply and medical relief in rural areas?—Yes.

207. And the suppression of the opium evil?—Not only the Hindus, but the Muhammadans as well—all the members.

208. Were not these measures mainly for the benefit of the masses?—Yes, undoubtedly.

209. If some of the Hindu castes or sub-castes, such as Kacharis, Kochis, Mikirs, Miris, Ahoms, Yogis, Mahishyas and Namasudras, are excluded from the general non-Muhammadan constituencies and allowed to return members through separate constituencies, one for each valley, will not that retard this process of social uplift?—Certainly.

210. Are you a Vaidya by caste?—Yes.

211. Are you the only Vaidya who has been returned to the council in this province?—No, there is one other.

212. Is not it a fact that the Brahmins of Sylhet, who are the highest Hindu caste in the district and a numerous and cultured caste, have hitherto returned only one member to the council, and that through a by-election, the member sitting in the

council only for a short September session?—Yes.

213. So caste among the Hindus has not played a prominent part in the political life of the province, especially in your district?—Not at all.

230. \* \* \* \* *Sir Hari Singh Gour*: You were a minister here during the time of the first and second councils?—Yes.

231. How far have you received the support of your council in the carrying out of the general policy which you had to lay down?—Generally I have received support.

232. You did get support?—Yes.

233. So far as your association with the council is concerned, you think the council has supported you?—Yes.

234. Has it helped you in the carrying out of your general policy?—Yes.

235. Therefore, so far as your experience is concerned, the working of the Reforms during your tenure of office has been entirely satisfactory?—Yes.

236. And it augurs well for the future of your province?—Yes.

237. There is one note you have struck from time to time at various places in your memorandum, and that is with regard to communal representation?—Yes.

238. You say at page 15 "But the composition of the present ministry has given rise to widespread dissatisfaction and if communal considerations had not been given undue weight a better personnel could certainly be secured."—Yes.

239. You think communal representation has therefore reduced the efficiency and the usefulness of the working of your province, because the best men have not been appointed?—That can be said only about the present ministry. I have made that clear.

245. As regards the services, you say on page 15: "All appointments will be made by the Government of India in which the ultimate control will be vested." You are in favour of the transfer of all subjects?—Yes.

246. I shall deal with the question of Law and Order later on, but you are in favour of the transfer of all subjects, including Law and Order?—Yes.

247. If these appointments are to be made by the Government of India, how would the exercise of the power by the Government of India be consistent with the creation of provisional autonomy? Do you think the ministers would be content to have servants whose appointments, and necessarily promotion and dismissal, depended on an outside agency such as the Government of India?—What I mean is this. If a province requires certain people for certain purposes, it will communicate its requirements to the Public Services Commission, and the Public Services Commission will make the selection. I have suggested there ought to be a Public Services Act for each province. According to the principles laid down in the Public Services Act, selections will be made by the Public Service Commission and the appointments will be made by the Government of India.

248. But who will exercise the disciplinary control over these services?—That would be done by the Government of India in consultation with the Public Service Commission.

249. Would you postulate that with reference to the All-India Services, or for all services?—All services.

250. Including provincial services?—Yes, but in future—there will not be any All-India Services, I think, except with the Central Government. All these services will be provincial services.

251. No; you have recognised the necessity for having British officers?—Yes, but they will be recruited on a provincial basis.

252. You say "We gratefully appreciate the good work that the British element in the different

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[Continued.]

"Civil Services of India have done and I personally think that British Officers will be very much in requisition by the ministers for years yet"?—Yes, but they will be recruited on a provincial basis.

253. But supposing they are not prepared to come on a provincial basis? They want guarantees; they want security?—The security is to be given by the Government of India. That ought to be enough.

254. But if they are not satisfied with that security?—Then we shall probably have to do without them.

255. You would rather dispense with the British officers, necessary though they are for the further and future development of this country, if they cannot be secured on the conditions you have laid down?—Yes. That is what I have said. We have a right to expect the Britishers to be reasonable.

256. They are reasonable, but they want to make sure that their tenure of office is certain and does not depend on the vote of the legislative council or upon the individual will of a particular minister?—Yes, but I have said about that; I have said that the necessary guarantee can be provided for by legislation. There can be an Act of the Legislature for the purpose.

257. Do you regard that as an essential part of your scheme, that you would rather not have British officers if they are not prepared to come on your own terms? You would rather not have them than give them such reasonable terms and such reasonable security as would satisfy them?—It is a question of what is reasonable and what is not reasonable. If their point of view is that unless their tenure of office is guaranteed by the Secretary of State—

258. Never mind the Secretary of State; the tenure of office has to be adequately safeguarded?—That can be done by legislation.

259. We will not discuss how it can be done, but assume it is done by an agency outside the province and outside India?—I would not go outside India.

272. What is your experience of the working of the local boards and of municipalities?—I think they are working very well.

273. I find a passage in the Government of Assam's book which I will read to you: at page 68\* I find this passage, which has a somewhat disquieting effect upon my mind, and I want your view upon the subject? "The towns, generally riverine, are straggling and resemble overgrown villages. Drainage has almost always been superficial, and therefore liable to silting; roads, though the principal streets in towns are generally metalled, if only roughly, are never provided with paved side-walks; conservancy is everywhere of the primitive superficial nature; and building regulations having only been spasmodically and partially enforced, much of the housing is also of an entirely rural character." Do you support that?—No; that is entirely too gloomy a picture.

274. The primary object of these local bodies is to provide social amenities, good roads, lighting, water, health and sanitation, town planning, so that there is plenty of fresh air through the village, and so on?—Yes.

275. You think all these local boards and municipalities, or the generality of them, have fulfilled those expectations?—Well, they are trying to, according to the means at their disposal.

276. But have they been successful?—To a certain extent, of course.

310. *The Chairman*: Do you think that in your time there has been in this province an improvement as regards the untouchability of any untouchable caste?—Yes, slowly but surely we are progressing. There is no doubt about that.

311. You have been in public life, and you have been observing things for some years?—Certainly.

312. Can you give me any concrete case, any instance which will show that the thing has improved?—It is taking place, as a matter of fact; inter-dining between castes and sub-castes of Hindus, and things of that sort.

313. *Rao Bahadur Rajah*: Do you know that in the hostels attached to the high schools and colleges in this province the boys belonging to the depressed classes find it difficult to get admission?—Where?—

314. Here in Assam?—There are no depressed classes here at all.

315. Do you know that certain classes are not admitted into the Cotton Hostel? You have been a minister for four years?—In my time there was no difficulty of that sort, at least.

316. May I remind you that there is a great difficulty to that extent, and reference has been made to Sir Saiyid Saadulla, who is taking action in the matter?—What was it about, may I know?

317. It was about the admission of certain boys belonging to depressed classes into the high schools and college hostels here.—In Gauhati, you mean?

318. In Cotton Hostel. Is not there a Cotton Hostel here? Do you not know Cotton Hostel here?—Yes, at Gauhati.

319. That is where the Congress held its session once?—Yes.

320. And do you know that on the 10th November, 1928, the Hindu Mahasabha had a meeting, and resolved that the social rights of the Hindus were being deprived, and apart from enjoying them so long as till the 11th November, 1928, should be restored to them now, and that this Sabha calls upon the Hindu Society to throw open the prayer houses, temples, and hostels attached to high schools and colleges?—Yes.

321. Does not it show that the Indian National Congress and Liberal Federation have done much towards the uplift of the depressed classes?—Well, it has not been possible to do everything all at once, but we are making general efforts, and we are succeeding.

322. Here is a resolution passed by the Hindu Mahasabha itself?—Yes, calling upon the people to do all these things.

323. It was because these people have been deprived of these rights till 1928?—Well, I do not know whether that refers to Assam alone, or to other places.

## Memorandum submitted by the GOALPARA ZEMINDARS' ASSOCIATION, Assam.

1. We venture to place before the Royal Commission the circumstances hereinafter appearing in the hope that wrongs arising from the inclusion of the permanently settled portion of the district of Goalpara in the Assam administration may be redressed. The map hereto annexed and marked "(1)" will show the position of Goalpara in relation to eastern portions of Bengal and Assam.\*

2. The history of the various administrative changes affecting the district of Goalpara within historical times is shortly this:—

3. Long before the advent of the British, the district of Goalpara formed a part of the Kingdom of Coch-Bihar: and the present Raja of Bijni, one of the Zemindars of the Goalpara district, claims to be descended from a younger son of a Coch-Bihar King. After the disruption of the Coch-Bihar Kingdom the Moghuls pushed forward the limits of the Delhi Empire, and after some vicissitudes during the reign of the Emperor Aurengzeb, the Muhammadan frontier was permanently fixed at Goalpara, and the district was finally and definitely assimilated to Eastern Bengal (now commonly known as North Bengal and included in the Rajshahi Commissioner's Division) in administration and ethnical characteristics. One of the features in the Moghul administration of Goalpara was that the land was left in the hands of the border chieftains who merely paid a tribute to the Moghul Emperors.

4. This was the position of affairs when the British obtained possession of the Devani of Bengal in 1765 A.D. The Moghul system was, so to say, merely stereotyped in the permanent settlement of 1793 A.D. by which the land revenue of the district was fixed in perpetuity. The present Zamindar families of Goalpara are the descendants of these ancient families.

5. During the early years of the British administration, Goalpara was administered as an integral portion of the Rungpore district in Bengal.

6. In 1822, it was formed into an independent jurisdiction under a Commissioner.

7. After the conquest of Assam by the British in 1825, although Goalpara district was annexed to the new province, the administration for revenue purposes continued to be conducted in accordance with the Bengal Regulations.

8. After the Bhutan War of 1864, portions of the Duars ceded by the Bhutan Government, were attached to Goalpara, and the whole tract was erected into the Cooch-Bihar Commissionership under the Lieutenant Governor of Bengal.

9. In 1868, the Civil and Criminal jurisdiction only of Goalpara was transferred to the Judicial Commissioner of Assam.

10. It was in 1874 that Assam was constituted a province independent of Bengal, and the entire administration of Goalpara was included within the new province under a Chief Commissioner, and remained so till 1905.

11. The condition of things arising from this complete severance of the district of Goalpara from the long association with the administration of Bengal during these early years was, so far as the Zemindars were concerned, made endurable from the benign nature of the Assam Government, and the non-interference by the Government with their rights and privileges. The Zemindars could rely on a sympathetic Government to deal with the questions affecting their rights and privileges without any partisan spirit and without undue bias. The position of things was, however, greatly improved in 1905, when the new province of Eastern Bengal and Assam was constituted and Goalpara resumed its old associations with Bengal.

12. Under the Morley-Minto Reform scheme, in

spite of the united protest of the Goalpara Zemindars, their unique position under the permanent settlement was comp... and they were placed in the same

Mehal land holders as an electorate body. In the legislature created under this Reform scheme the ancient Zemindar families of Goalpara had practically no representation, and this ushered in a state of things under which the powers of the Government were weakened and their power to deal with questions affecting these Zemindaries passed more and more into the hands of non-Zemindars, who were incapable of dealing without a bias with the problems affecting the relation of these Zemindars with their tenants. In 1912, however, the annulment of the partition of Bengal led to Goalpara being again placed under the Chief-Commissioner of Assam. All suggestions to allow Goalpara to continue its old associations with Bengal were negatived, and for administrative expedience this district, which on the ground of associations—racial, linguistic, cultural and administrative—naturally finds its place in Bengal, has been retained in Assam.

13. The district of Goalpara, as at present constituted, comprises an area of 3,954 square miles, of which 2,571 square miles represent the old permanently settled portion and the rest was added, after the Bhutan War, from the Duars ceded by the Bhutan Government. The district adjoins on the west the Bengal districts of Jalpaiguri and Rungpore, and the Cooch-Bihar State.

14. The subject matter of this memorial is mainly in regard to the permanently settled portion of the district of Goalpara, and it may be noted that the portion of Goalpara is unique in one respect, viz. that it is only in Goalpara and Sylhet in the whole province of Assam that permanently settled estates are to be found. They are unknown in the rest of the province. As a natural consequence of this, the landlords in these two districts are placed in a somewhat invidious position. The legal incidents following on the permanent settlement are unfamiliar to those people who, under the Reform Scheme, are entrusted with the legislative authority of the province, and the Government, however sympathetic its attitude may be, is powerless to remedy any mischief that might arise from their activities.

15. Under the present Reform Scheme, the Zemindars, with a very large stake in the country, have not got, as of right, any special representation in the Legislative Council, and are in quite helpless position to protect their rights. In denying them this privilege, a pious hope was expressed that many of them might secure representation by popular votes. In practice, however, this is next to an impossibility. As a class the Zemindars have always been on the side of law and order, and have done their best to discountenance claptrap agitation, which, for the time being, is indispensable to secure popular favour, and thus for all practical purposes the doors of the local Legislative Council are closed to them, except through nomination. The net result of the Reforms, so far as the Zemindars of the permanently settled portion are concerned, is that their material interests are to be decided and disposed of by unsympathetic members of Council, quite unfamiliar with the system under which these Zemindars hold their Estates. The Zemindars had reasons to hope that in view of the recommendations made by the Montagu-Chelmsford Report, they might constitute a special Electorate and thus obtain a special representation in the Legislative Council. This privilege was, however, denied to them—the reason put forward being that they are too few in number. The extent of their Estates and the position they have held, even from before the time that the district came under the control of the British, their steadfast loyalty and the services

\* Map not reproduced.

rendered by them, were completely ignored. It has been considered quite sufficient for the Government to nominate one member from among them to the Council when important Bills affecting Goalpara are under consideration. The Zemindars, however, apprehend that such nomination of one solitary member to a democratic assembly would be practically useless to protect their interests. The contrast between the position of the Zemindars in Bengal or in Bihar and Orissa, who hold their Estates under the self-same permanent settlement, and the Zemindars of Goalpara under the new Reforms ought to be too obvious to need any comment, and arises from the unnatural inclusion, on the mere ground of administrative expedience, of the permanently settled portion of Goalpara in Assam, in total disregard of history, ethnical, linguistic, social and cultural affinities of the majority of the population.

16. That the large majority of the population of the Goalpara district speak Bengali and not Assamese is a fact too well-known to be seriously disputed. This is specially the case with the old permanently settled portion of the district. That the spoken language is a Bengali dialect and not Assamese in any respect is fully supported by official records, e.g. Census Report. Historically, Goalpara is an integral portion of North Bengal and the large majority of the population are and must necessarily be Bengalis in the same way as the population of the neighbouring districts of Rungpore, Jalpaiguri, Bogra and of the Cooch-Bihar State. So the spoken language is a dialect of Bengali in the same way as the spoken languages in those neighbouring districts are dialects of Bengali. This was so patent that until only a few years ago before the Government of Assam in 1914 made Assamese an alternative language, the Court language in the Goalpara district was Bengali only, and Bengali was the only medium through which education was imparted in all the schools. The actual population of the district, according to the census of 1921, is over seven lacs and a half, out of which the natural population that speak a dialect of Bengali is over four lacs. Over and above this Bengali-speaking population there are immigrants who are not included in the natural population. The latest Census figures of 1921 shows 405,710 as Bengali-speaking out of a total population of 762,523. But my Association submits that these figures, if anything, are an underestimate of the Bengali-speaking population in the district. Even if the figures as they stand be taken when the Khash Mehal area of the district inhabited mostly by the Mech-speaking population is excluded then, the approximate percentage of Bengali-speaking population in the permanently settled portion of the district would be about 63, and Assamese 22. For details of figures see Appendix II.\*

17. Bengali is also the chief written language of the district. Except temporary settlers who speak Hindi and other languages the preponderating majority use Bengali as their written language.

18. The prevailing literature is the Bengali literature. The music and the musical instruments are quite distinct from those of Assam and are similar to those of Bengal.

19. The people dress differently from the Assamese. As regards manners, usages, social customs and religious practices and traditions, the similarity with those of the people of Bengal and the dissimilarity with those of the Assamese people is quite pronounced.

20. At the Goalpara District Conference held at Gauripur on the 23rd and the 25th October, 1927, and attended by over six thousand persons, a resolution was unanimously passed which reads as follows:—

"That Bengali has been the current language of this district from time immemorial, and Bengali is their own language, and that the inhabitants of this district have been exchanging their thoughts and feelings in this language, and have been educated

from the time of their forefathers in this language, and that Assamese is not the language of this district." (Appendix III).\*

21. The same fact was emphasised in a memorial in April, 1920, to the Viceroy over the signatures of nearly seven thousand people of the district, protesting against the gradual introduction of Assamese into the district. (Appendix IV, page 67).\*

22. It will be clear that all affinities traditional, cultural, ethnical, linguistic and social of the very large majority of the population of this district, and more particularly of the permanently settled portion of the district, are those of Bengal, and not of Assam.

23. Hitherto all attempts made to induce the Government to reconsider the question of retaining Goalpara in the Assam Administration have failed. The Legislative Council has passed a resolution with regard to the desirability of excluding the permanently settled district of Sylhet from the Assam Administration and its inclusion in Bengal. But it is rather difficult to realise why a similar treatment should be denied to Goalpara. The stereotyped answer has been that there is no unquestioned general demand for such separation. Yet it is from a public declaration by His Excellency Sir John Kerr, Governor of Assam, that we gather that "in case Sylhet is transferred to Bengal, it would be difficult to resist the claims of Goalpara." Whenever the authorities have been approached with a view to the inclusion of Goalpara in Bengal, some sort of counter-memorial is got up by Assamese politicians which presents an unreal appearance of want of a general desire on the part of the people to continue their natural associations with Bengal. The Zemindars could not take any effective steps in the matter, as two of the largest Zemindaries in the district, viz. Bijni and Mechpara, have been under the Court of Wards, and the Court of Wards refrained from taking any part in the controversy. (Appendix V).\*

24. We venture to hope that the Royal Commission will, in view of the real facts of the case, not allow a wrong done to a very large body of people to be perpetuated merely because it is expedient. We recognise that the exclusion of Sylhet and Goalpara from Assam may make it difficult to continue the present form of Administration in Assam. We feel, however, that a possible modification in the form of administration should not be regarded as an all sufficient reason, and that the people of this district should not be made to lose the higher culture of Bengal, which is their birthright, and assimilate the Assamese culture, simply because a top-heavy administration cannot afford to part with these two districts.

25. So far as the Zemindars of the permanently settled portion of Goalpara are concerned, the matter is a very important one. Starting on a footing of equality by reason of the permanent settlement with the Zemindars of Bengal, they find that it is becoming more and more difficult to maintain their rights. In 1874, when Goalpara and Sylhet were severed from Bengal, the Zemindars were repeatedly assured that, notwithstanding such transfer there would be no change in their status and privileges. It has, nevertheless, happened that while in Bengal the people have the Road Cess Act, here we have in its place the Local Rates Regulation of Assam—the principle of assessment under the two being dissimilar and the Assam Regulation being less favourable to the Zemindars.

26. But the position of the Zemindars of the permanently settled portion of Goalpara, even if Goalpara formed a part of Assam, would not have been so deplorable as it is if legislation with regard to their relation with the Government on the one hand, and their relation with their tenants on the other, were under the control of the Government. Under the new Reform Scheme, the ultimate legislative authority is the Assam Legislative Council.



## The GOALPARA ZEMINDARS' ASSOCIATION.

[Continued.]

Out of the 30 elected members of the Assam Legislative Council, an overwhelming majority comes from the non-permanently settled areas. Even these who come from Goalpara belong to the educated middle-class, and their outlook on the tenancy problems naturally represents the interests of middlemen, and it is idle to expect them to appreciate sympathetically the problems of the tenants or of the Zemindars. The Permanent Settlement itself has not yet been attacked, but the Legislative Council is now dealing with the Tenancy Law of Goalpara, and we feel that the Council, as at present constituted, is not competent to deal satisfactorily with intricacies of such legislation. In answer to the proposition that where there is a Legislative Council consisting of a majority of elected members, all legislation ought to be through such Council, we say that the *sine qua non* in such a case is that the elected represent all interests for whom they profess to legislate. As a matter of fact, the elected members of the Assam Legislative Council, from want of experience of the problems affecting the Zemindars and tenants of the permanently settled portion of Goalpara, are not in a position to represent either such tenants or Zemindars. The Government of Assam is now passing the Goalpara Tenancy Bill through the Council, notwithstanding the protests of the Zemindars. (Appendix VI).<sup>\*</sup> Under these circumstances they feel that in the matter of such legislation affecting permanently settled portion of Goalpara, a Regulation under the Scheduled Districts

Acts is a much better alternative than legislation by the Assam Legislative Council as at present constituted.

The transfer of the permanently settled portion of Goalpara to the Bengal Administration will not entail any loss of Revenue, and the two premier Zemindars' Association of Bengal, viz. the British Indian Association and the Bengal Landholders' Association, advocate the transfer of Goalpara to Bengal.

27. We respectfully urge that the Royal Commission may, after due consideration, recommend that the permanently settled portion of Goalpara may be re-transferred to the Bengal administration. Any possible objection as to loss of area may be easily obviated by adding to Assam the Khash Mehal areas in the adjoining Bengal districts. Failing this most satisfactory solution, we submit that means may be found to place the enactment of laws regulating the relation between the Government, the Zemindars and the tenants of the permanently settled portion of Goalpara in the hands of the Government independently of the Legislative Council, and by the application of the Scheduled Districts Act. We apprehend that no increase of representation of the Zemindars in the Legislative Council can, from the nature of its constitution, adequately protect the interests of the Zemindars.

Pending the decision of the Commission, with regard to these questions the Zemindars' Association of Goalpara respectfully urge that the final enactment of the Goalpara Tenancy Law now before the Assam Legislative Council may be kept in abeyance.

<sup>\*</sup> Not printed.

## Memorandum submitted by the Honourable MOULVI ABDUL HAMID, President, Assam Legislative Council, Shillong.

In discussing the question of constitutional advance greatest possible care should be taken to deeply enter into the manifold intricate problems and special circumstances of the country. It would not do to proceed on the analogy of the democratic countries of the world. Such a course might be fraught with danger to success of the experiment. India is more a continent than a country. In diversity of people and problems it has no equal. Out of the total population of 300 millions in round figures there are 70 million Mussulmans, 12 million Buddhists, 10 million aboriginals, 4 million Sikhs, 5 million Indian Christians, 60 million depressed classes and rest caste-Hindus. Hindus are sub-divided into, it is said, 2,000 sub-groups.

*Separate Electorate.* The problems attending the variegated groups in and outside Hindu community are so numerous and so complicated that greatest care should be taken for providing safeguards for every one of the minority groups, in any constitutional arrangement. The sub-groups, even of Hinduism, though not unwilling to welcome constitutional advance, entertain a lurking suspicion that their position would become worse if they are thrown into the mercy of the high-caste people and denied a voice in the new constitutional machinery. From this it would be clear how great must be the apprehension of other minority groups that their interests would be jeopardised unless adequate safeguards are provided for them. This brings us to the question of separate electorate. I think separate electorate should be provided, not only for the Moslems, but also for the other minority groups. If there were grounds which induced British Government to concede this much-valued principle of separate representation in the past, not only to the Moslem, but also to other interests, I think there are stronger reasons for making better arrangements in the future constitution. The existence of a large element of official and non-official nominated members in the present arrangement served as a protection to the minority in the matter of safeguarding their interests against the attempt of the majority to have their own way. In my Council resolutions were tabled for barring cow slaughter, except for religious purposes, and, I daresay, the matter would have been pressed if the chances of success had not appeared to have been neutralised by the existence of nominated blocks and other interests. So the attitude of different groups in communal matters in the reformed councils cannot form a true index of the necessity of special safeguards.

The depressed classes, also, are showing a marked tendency to assert themselves and to demand back their legitimate rights, such as using a public path, well, or offering worship in a temple, from which the caste Hindus have kept them away. Some good-intentioned souls are trying to rescue them from the virtual serfdom, but they are merely touching the fringe of the problem, and their activities do not find favour with an overwhelmingly large section of the Hindus, who, it appears, have become so used to that the inequitable nature of their dealings towards these people do not appear to strike them. Modern culture is producing a group of men who see the injustice of the whole position, but their feeling is rarely translated into action. I have elaborated on the position of the depressed classes under the social rules of the caste-Hindus just to show that such circumstances and traditions are not appropriate for training of the mind for doing justice to all irrespective of caste, position and creed. I think the educated classes of the Hindus are trying to shake off that attitude, but the general body who retain the mentality will be commanding votes. It is sometimes urged that communal electorates are responsible for the present state of inter-communal feeling. But nothing can be further from the truth.

The genesis of the trouble should be sought in the census reports, which show that the increase in the Muhammadan population had been larger than the Hindus. Reforms only pointed to the future disadvantage of allowing that to proceed undisturbed. In the present state of inter-communal feeling I am deliberately of opinion that joint electorate will mean a huge communal battle, extending over wide area, during each election. Reservation of seat would hardly mend matters. Weaker economic position of the Mussulmans certainly emphasises their apprehension and makes them all the more wedded to the principle of separate electorate. The experience of the past years has only served to confirm their suspicion. Mr. Asafali, Barrister-at-Law, sustained a defeat in Delhi, in spite of the support of Mr. Nehru on the issue of strengthening the case for removing separate electorate, in the hand of a Hindu gentleman of inferior qualifications and less public services; Mr. Fazlur Rahman met with the same fate in the Dacca University constituency of the Bengal Council in the hand of a Hindu candidate, who hardly had anything to do with any university. Elections in the senate in the Calcutta University will also support my contention that Muhammadans fare badly in joint constituencies.

In our province joint electorate has been provided for in the Municipal Act. Let us examine how Muhammadans have fared in them. In Sylhet Municipality more than half the inhabitants are Muhammadans, but out of 16 elected seats they have been able to secure only 5, and the Hindus have secured 11 seats. In Gauhati, Muhammadans form one-fifth of the municipal population, and secured only one elected seat out of 16. There are typical instances of Muhammadan success in other Municipal Boards of Assam, in the last election. I am convinced that separate electorate in municipalities, as in local boards, should be introduced, to afford opportunity of better representation to all elements.

I do not see the reason why the electorate should be named Moslem and non-Moslem, including in the latter category, not only the Christians, animist and sundry people who have little in common with them. In Assam this nomenclature includes 10 lakhs of tea garden coolies recruited from aboriginal tribes outside the province, and 6 lakhs of ex-tea garden coolies of same denomination settled in the outskirts of the gardens. They should not be included in the Hindu constituency. I think they deserve to be separately represented as a labour group. 12 lakhs of animist, of whom no less than 7 lakhs are in the plains districts, as well as one lakh Christians, should also have representation on a separate basis. It would amount to denying them representation if they are allowed to be drowned into the non-Moslem electorate. I, therefore, suggest that special electorate should be provided for these people and each group should be separately named.

In the province of Assam the Moslem population is increasing very fast, both by natural process and immigration. If the allotment of seats are to be provided for them on the basis of figures of the last census, it would hit them hard. I, therefore, suggest that note should be taken of the probable increase during the last ten years, as well as some allowance should be made for the probable increase in the next ten years, otherwise the advantage of increase of next twenty years would be lost to them, for the period of next constitutional advance. Taking the province as a whole, while the Hindu population has gone up since 1872, from 2,079,497 to 4,068,288, the Moslem population has increased from 1,104,551 to 2,190,017. It will thus be seen that the percentage of increase in case of Muhammadans is much larger than in the other case.

I would, therefore, suggest that particular interests

and minority community should be granted separate representation, by creating separate electorate, as much for safeguarding their interests as for maintaining their cultural autonomy. Tea industry, commercial interests, labourers, animists, Christians and Moslems should have separate representation on the basis of number and importance, in order to prevent creating an oligarchy under the garb of democracy. The minority elements should always be given representation in excess of their number.

*Basis of franchise.* Universal franchise is the ideal which every democratic institution should strive for; but under the present circumstances, particularly having regard to the ignorance and illiteracy, no one would seriously urge that we should go to that extent all at once.

I, therefore, suggest that the franchise qualifications be lowered to bring in merely a larger percentage within voting qualifications.

*Method of Election.* It would not be well to alter the present system of election. Ignorant people initiated to method of election would be thrown into confusion if any change is made. Though I realise that the present method of voting by secret ballot amounts practically to open voting so far as a very large percentage of illiterate voters are concerned.

*Parties.* I do not think any serious endeavour has been made so far as the formation of parties are concerned. Elections are generally fought on personal lines. The Swaraj party alone works on party line. But it appears to me that a negative factor alone provides the necessary cement, namely, obstruction. I am not sure how far its solidarity would stand the test when they transfer their activities on the positive side. But the formation of parties is sure to engage attention when full responsibility is given to the local councils.

The Reforms have given an impetus to the growth of public opinion. It might not have developed as one would have desired, yet there has been encouraging progress, and we can look forward with sanguine hope.

Complete responsibility connotes absolutely elected bodies. The principle of nomination does not fit in it. I think through special constituencies special interests would be better represented. I, therefore, would not approve the retention of the power to nominate for the Provincial Councils.

*Units of Local Bodies.* In the province of Assam, I would not like to disturb the existing areas so far as the administration of local self-government is concerned. There has been no demand for any change in any locality.

*Extension of Reforms in other areas.* I would strongly urge the extension of reforms in the remaining portions of British India, e.g., North West Frontier Province, Baluchistan, and Ajmer-Merwara. There can hardly be any logical justification for denying the people of those places the advantage of having a popular government. There is no reason to believe that the majority in those parts would not behave as the majority elsewhere are expected to do. Of course, special arrangement will have to be made for safeguarding minority interests, as in other provinces. It would be a wrong policy to wait in the matter of granting reforms till bitter political agitation has developed in those areas. To me it does not appear that any special difficulty can be pointed out against the extension of reforms in the areas mentioned; they have, rather, the advantages of being more homogeneous.

*Division of Provinces.* The present arrangement of the provinces, though not quite satisfactory, yet reorganising the provinces on more scientific line is not easy of solution. This will certainly lead to the dismemberment of some of the present political units. The Madras Presidency shall have to be subdivided into Tamil and Telugu provinces. The Ganjam district, perhaps, will have to be transferred to Orissa and there are other groups in the south that might desire to have separate political existence. The Central Provinces, similarly, shall have to be

divided into Hindi, Mahrastra and Oriya, which would mean virtual dismemberment of the province.

In the Presidency of Bombay, Gujrat shall demand to have a separate existence and Sindh is already very loosely tied to the Presidency, and has been most insistent in claiming separation. Mahrastra element would also prefer to have a distinct political existence.

In Bihar and Orissa the latter would prefer to be treated as a separate province. Every other province would demand boundary readjustment, and no solution would give complete satisfaction.

In my province the districts of Sylhet, Cachar and Goalpara claim to go back to Bengal. Sylhet and Goalpara had been in Bengal and their land system and language are similar. Their claim along with Cachar, which is a mere colony of Sylhet people, cannot be brushed aside easily, and this would lead to the virtual dismemberment of the province of Assam; because the rest of the Assam valley would prove to be too small for a suitable political unit; the Hill portions are yet outside the pale of reforms and no one would seriously urge their inclusion within reformed area, nor their inclusion would very much alter the position. So the effect would be to deny the remaining plains districts of Assam the advantage of reforms which they rightly deserve.

I would, therefore, like to leave the matter for future settlement by popular representatives, rather than allow the scheme of territorial redistribution to delay the operation of the constitution. As I have already pointed out that the matter is extremely complicated and might take years to come to a workable settlement. In case, however, the question of redistribution is taken in hand I would suggest the transfer of the whole of the plains districts of Assam to Bengal, the remaining Hill areas to be constituted into an Eastern Frontier Province. Under all circumstances I would urge the separation of Sindh from Bombay, as her case stands on a different footing, and has not the slightest difficulty about it.

*Provincial Autonomy.* So far as the provinces are concerned, provision of complete Provincial Autonomy would alone give universal satisfaction and kindle that enthusiasm which would ensure its successful working. The satisfactory working of the reforms, under very trying circumstances, has certainly strengthened the claim for such an advance. In granting political concession to countries and people, halting attitude deprives the gift of much of its grace, and leaves an antagonistic group to do mischief. Dyarchical system of government has very few unqualified supporters. In this hybrid system the responsibility is neither here nor there. Acts have been committed under its shadow which have accentuated popular antagonism to the system.

I, therefore, suggest the transference of all the portfolios to the Minister responsible to the Council. I would, however, like to see safeguards provided for representation of important minority elements in the Cabinet. I would prefer to raise the strength of the Assam Council to 80 in order to make it thoroughly representative, and would devise the seats as follows:—

Muhammadians .. .. .	27
Hindus .. .. .	20
Indian Christians .. .. .	2
Primitive People .. .. .	7
Tea Industry and Labour .. .. .	12
Commerce and other Industries .. .. .	8
Total .. .. .	80

## SECOND CHAMBER.

I would prefer to have bicameral system introduced in the Provinces. The Second Chamber does not appear to have outgrown its utility. After centuries of training under democratic institutions in the West and elsewhere, people of those countries have not yet come to the conclusion that they should cease to exist.

In our country the civic consciousness has yet to

The Honourable MOULVI ABDUL HAMID.

[Continued.]

develop; it is desirable to have a second chamber to provide against hasty acts. In deciding the question of a second chamber for Indian provinces, temperamental difference of the people of the tropics from those living in the temperate zone should be taken note of. The former, in my opinion, are more emotional and sentimental than the latter. Hardly any country in the West would present so many complicated problems and conflicting interest that needs safeguards, as a single province in India would do. The need for a second chamber, therefore, to provide against any hasty action of the majority, or of a combination, under the momentary spell of sentiment and emotion can hardly be questioned; particularly when just a start is being given in complete responsibility under very difficult, intricate and novel circumstances. The main opposition can appropriately be credited to the constitution rather than to the utility of the institution of the second chamber. A properly constituted second chamber on well-represented elective basis will greatly help the smooth working of the constitution and would prove to be a useful instrument for rounding off the angularities of hasty acts of legislation. My experience of the Council has confirmed my opinion that we need a second chamber. I do not think in all cases every member cast his vote fully realising its consequences. Sometimes momentary heat generated by an incident influences voting, not only on that particular matter under discussion, but on other questions as well. The present power of certification left with the Governor is a fruitful source of undesirable conflict between the Head of the Province and the Legislature.

I am, therefore, strongly of opinion that introduction of bicameral system in the provinces is a necessity. When the civic consciousness is fully developed, when the electorate is thoroughly educated and when the spirit of conciliation and compromise is strengthened, there will be time to reconsider the question of its retention or abolition. It would amount to taking very great risk if in the nascent state of our constitution this important adjunct is not provided for the province as well.

For the province of Assam I would suggest a Chamber of 30 to be divided as follows:—

Muhammadans .. .. .	9
Hindus .. .. .	11
Planting Community and Labour .. .	6
Christians .. .. .	1
Primitive People .. .. .	2
Commerce and Industry .. .. .	1
	30

I would prefer to put higher age-limit for the qualifications of membership, say 40 minimum, and a higher franchise qualifications, than that obtaining for the councils; yet I would not put the qualifications too high to seriously injure the representative character of the members. I do not feel any insurmountable difficulty would present itself in the formation of constituency. I may, however, concede a small percentage of nominated members, if thought desirable at the outset.

*Finance.* So far as the Provincial Finance is concerned, I desire only to point out the inequity of

forcing Assam to bear the entire deficit in the administration of the Hill districts. The administration of Hills has reference to frontier defence, and I do not see any reason why the Central Government should not undertake to bear the burden of deficit. The entire cost of the Assam Rifles, which is maintained more for the purpose of frontier defence than for Provincial necessity, used to be borne by the Assam administration. The Council strongly protested against it, and the Central Government now partially contributes to its maintenance. I think Central Government ought to take up the entire responsibility for the maintenance of Assam Rifles. I am also of opinion that entire cost of the upkeep of the Manipur Road, which may be called a political road, be borne by the Central Government. Having regard to the meagre resources of the Province these financial adjustments should be made without further delay.

*Constitution of Central Government.* I would suggest transference of some departments under the same conditions as obtain in the provinces under present reforms to responsible Ministers. Though that system is not ideal in the absence of a better arrangement that shall have to be accepted for the transitional period. Indians will not be satisfied unless some form of responsibility is introduced in the Central Government.

*Courts and Judiciary.* People have been crying hoarse over the question of separation of Judicial from Executive. The present arrangement can hardly be justified. I am of opinion that no further delay should be made in carrying out the much delayed reform. The separation would certainly improve administration and create confidence in popular mind.

*Federation and Status.* The ideal of India is to have a federal system of Government of which the provinces would form the unit. There is hardly any opposition to that generally accepted ideal. So far as the status is concerned, I do not think anything short of full Dominion status would satisfy Indians. Indian National Congress has passed a complete independence resolution, but that perhaps owes its origin to the delay in fulfilling the demand for granting the Dominion status. I, therefore, suggest that India be placed on a footing of equality to the Dominions, as any differential treatment is bound to be resented.

*Presidents.* Rulings of the chair are sometimes bitterly criticised outside the House; particularly in the Press, occasionally on false and foolish grounds. Not infrequently the motive behind had been mere propaganda. Yet the Presidents cannot take the field to counteract its effects. I, therefore, suggest that he should be armed with powers, on the analogy of the Speaker of the House of Commons, to deal with such situation.

The convention of leaving the Presidents uncontested has not been yet established. I would suggest that provision be made to secure their re-election without contest till the arrival of the time when parties have come into existence and their decisions have acquired weight with the bulk of the electors, to leave the Presidents uncontested.

These provisions would very much help impartial conduct of the Presidents and certainly would put him in a stronger position.

## Memorandum submitted by SYED M. SAADULLA, Member, Assam Legislative Council.

*Preliminary.* All political parties—and their number is legion—are agreed that their ideal of an Indian Constitution is *Swaraj*, or Home Rule. The British Parliament also have declared that Responsible Government within the British Empire is the goal of its policy towards India. Although the Indian National Congress in their last session at Madras declared "Independence" as their goal, yet it is perfectly safe to say that the majority of Hindu India and almost cent. per cent. of Moslem India will be satisfied with a constitution giving dominion status to India for the present, which will ensure for them a position of equality with the other dominions in the Commonwealth of the British Empire. In view of the unfortunate internecine feuds between the two major communities of India, and in view of the extreme illiteracy of the masses and the want of any notion of Self-Government in them, and the disparity between the various communities in population, education and in the administration and other economic positions, I do not think that the ideal Self-Government can be realised at one step. I am of opinion that we should start with full responsible Government in the provinces, and have a sort of dyarchy in the Central Government who should be relieved of a fair measure of supervision by the Secretary of State for India in England.

*The representative system as applied to British India.* India is a vast country equal in extent to the whole of Europe minus Russia, containing a wealth of population divided into races and faiths in various stages of development educationally and economically and with a welter of languages and cultures perplexing to the most enthusiastic of ethnologists. One, therefore, in thinking of the future constitution for India, cannot go by generalisations and ideals merely, but must face the actual realities and the divergent and distrusting interests which need protection. The framers of the constitution should so adjust the provisions of safeguard of minorities as to receive the practical unanimity of the minorities concerned.

The main communities that inhabit India can roughly be divided into the Hindus and the Muhammadans; but the term Hindus is an extremely elastic one, and has been used in the census reports to include a medley of people whose faiths may be described as polytheism, pantheism, animism and fetishism. Properly speaking, the term Hindus should be defined as the caste-Hindus and the rest into either Animists or Primitive people. There are smaller communities, viz. Buddhists, Sikhs, Parsees, generally located in particular provinces, while the Indian Christian community is increasing on account of the proselytisation by the various Missions. The proportion of these latter communities to the total population of India is almost negligible. The percentage of Mussulmans in the total population of British India, according to the last census, is 21.74 per cent. The balance may roughly be divided in the proportion of 1 to 2 between caste-Hindus and the rest of the people, who are described by various names such as Adi-Hindus in Northern India, Adi-Dravidas in Southern India, the Depressed Classes in Eastern India.

All students of political evolution who press for political autonomy must concede the legitimate claim of the minorities for their cultural autonomy and safeguarding of their political rights. A democratic institution will be converted into an oligarchic one if people representing only one particular interest overwhelm its constitution. Therefore to ensure democracy in its real significance, attempt should be made to see that the various communities and different interests living within its jurisdiction are represented on the local self-governing institutions. This can only be effected by the principle of separate representation to particular interests and different communities. In my opinion it is essential to retain the

system of communal electorates which has been worked since the Minto-Morley Reforms without any friction and which system has minimised enormously the political wrangling between the communities at the time of election. In Assam, since the introduction of the Reforms in 1921, this principle is in operation for the Muhammadan community, the Tea Industry and the mercantile and the commercial interests. I advocate the extension of this principle to all communities both in the local as well as in the Central Government. But in order that such minority representation may be effective, the representation should be far in excess of its numerical proportion when the numerical strength of the minority is less than one-fourth of the total population. But in no case, the majority of a community in a provincial legislature should be converted into a minority by such over-representation to different groups of minorities in that province.

The present basis of the franchise is, strictly speaking, the property qualification, and therefore a very small proportion—it is about five per cent. of the population—has been enfranchised. In Assam the proportion is about 3.5 if the labour force of tea gardens are excluded from calculations. In order that the members of the Council may truly represent their constituency, I would advocate an adult franchise for all people of 25 and 30 years of age respectively, for the local and central legislature. The present age limit is 21, but I want to raise it so that people who have experience of the world and most probably of managing their own household, will be in a better position to cast a discerning vote than one who has hardly entered the threshold of life or is just fresh from an educational institution. Should, however, adult suffrage at this stage of the political growth of the people be held unwieldy, I am for enfranchising everyone who now possess a vote in a Municipality or a Local Board election for the purpose of the provincial Legislative Council. Similarly, everyone who is now on the electoral roll of the provincial Council should be put on the electoral roll for the Central Legislature.

The present method of election is voting by the ballot. Though, in effect, on account of the illiteracy of about 80 per cent. of the voters, voting by ballot resolves into an open voting, I am for continuing the present system of voting by ballot in the next constitution. There has been considerable growth of public opinion in the country since the introduction of the Montagu Reforms, and people have learnt the value of the vote. The emergence of parties, however, in the legislatures, has been slow excepting the well organised *Swaraj* or Congress Party, whose main creed is obstruction and bringing the administrative machinery to a deadlock. There is no other well organised party on defined political principles. However, with the growth of democratic institutions, the party system is bound to come into existence.

In purely democratic institutions, all members should be elected, and it is a moot point whether in our future constitution, our legislatures should be entirely elected or the Government should retain some power of nomination. Experience of the working of the Reforms of 1921 in Assam, points to the conclusion that nomination of a small element has worked for the betterment of the country. At present in Assam, in a Council of 53, Government nominate five officials and five non-officials. Or, in other words, about one-fifth of the members of the Local Legislature get their admission into it on the principle of nomination. The proportion is rather high, and the number of nominations may be admitted in the future constitution to the extent of one-tenth of the total strength of the legislature, so that the presence of a few experienced officers of the administration and the representation of such minority communities whose members could not

SYED M. SAADULLA.

[Continued.]

secure election but whose representation is deemed essential for the better governance of the country, may be secured.

2. *The suitability of existing areas for legislative and administrative purposes, etc.* In Assam, barring the provincial Legislative Council, the local self-governing institutions function for urban areas as Municipalities, and for rural areas as Local Boards. The constitution of these are regulated by the Assam Municipal Act of 1923, and the Assam Local Self-Government Act of 1915. In the earlier enactment, the principle of communal representation has been accepted for the Muhammadan community and the Tea Industry. But in the Municipalities, this principle has not been conceded with distressing results for the Muhammadan community. I will illustrate this by quoting figures for the Municipal elections of only three towns in Assam which have been held last month. In the town of Sylhet, with a total population of 16,912, 8,401 of which are Muhammadans, and 8,279 are Hindus, out of a total of 16 elected seats, only 5 Mussulmans were returned as against 11 Hindus. While in Gauhati, with a total population of 16,480, of whom 3,582 are Muhammadans, only 1 Muhammadan was regularly elected to the Municipal Board out of a total of 16 seats. And in the town of Habiganj, where the Moslem population is 1,658 out of a total population of 5,918, not a single Muhammadan was elected to the Municipality with 12 elected members, although in the sub-division of Habiganj, the Muhammadans form over 60 per cent. of the total population.

In 1926, an Act called the Assam Rural Self-Government Act has been passed by the local legislature for creating village self-governing institutions with entirely elected members. This Act has not up to now been in operation. I do not know how the minorities would fare under this Act. In my opinion, the principle of communal representation ought to be introduced both in the Municipal as well as in all Self-Governing institutions, in order to safeguard the representation of Muhammadans who are to a certain extent more backward both educationally and economically than their neighbours, the Hindus. Excepting in one instance, the local boards in Assam comprise subdivisions of districts as their area of jurisdiction. In my opinion the existing areas are suitable for these local self-governing bodies.

Although in the Montagu-Chelmsford Reforms, the principle of communal representation was accepted, yet by the division of the electorate into Moslem and non-Moslem, a great injustice was done to the Muhammadan minorities to safeguard whom this principle was embodied in the constitution. As I have already stated earlier, the non-Moslems include everybody, the primitive people or the Animists, the Christians, etc., with the result that caste-Hindus who are organised, educated and who are also economically better situated than the rest, have monopolised, at least in Assam, all the seats reserved for non-Moslems. I will illustrate what I mean by the figures for the province of Assam. Out of a total population of over 79 lakhs, the Muhammadans form 22 lakhs and odd (reference is to 1921 census figures). The division of the electorate into Moslem and non-Moslem have put these 22 lakhs Moslems in one group, and the caste-Hindus, the non-caste Hindus, the Primitive people, the Christian people and the coolie population of the tea gardens into a polyglot electorate of all creeds. Roughly speaking, there are 10 lakhs of labour forces working in the different tea gardens in the province and about 6 lakhs of ex-tea garden coolies have settled as ordinary raiyats or cultivators. These 16 lakhs of people have got no representation in the local legislature. All these people are drawn from the aboriginal tribes of Bombay, Madras and the Central Provinces, and can, by no stretch of language or imagination, be called Hindus. Then there are 12 lakhs of primitive people, of whom only over 5 lakhs are in the hills. These have got no point of contact with

the Hindus. These people also have no representation. Then there are over a lakh of Christian people without any representation in the legislature. The weight of the numbers of all these people is being taken advantage of by the caste-Hindus and their representation in the Council is far in excess of what their actual numbers demand. I therefore press upon the Commission the strong desirability of finding means by which the democratic institution may not be turned into an oligarchy. I suggest that the electorate may be divided into Moslem, caste-Hindu and Primitive people, in other words a miscellaneous electorate be formed for proper representation of backward communities.

Another factor which greatly affected the Moslem community is the distribution of seats in the local legislatures on a calculation of population on the previous census figures. For obvious reasons, the Government of India Act, 1919, had to base the constitution on the census figures of the year 1911. But a comparison of past census figures reveals the fact that the proportion of increase of Moslem population in a decade is far greater than those of the other major community and the advantage of increased population—which is a very real advantage for a minority community—is lost to them, if the census figures of the previous decade are drawn upon, to distribute seats in the legislatures between the various communities. I will again illustrate my point by actual figures.

The population of the province of Assam in 1874 distributed amongst the Hindus and Moslems and their number in 1921 is shown below.

	Census figures of 1872	Census of 1921	Percentage of increase approximately
Surma Valley	987,453 (Hindus)	1,438,153	45·8
Brahmaputra Valley	1,692,044 (Hindus)	2,630,135	55·4
Surma Valley	928,492 (Moslems)	1,604,420	72·8
Brahmaputra Valley	176,059 (Moslems)	585,593	232·8

Similarly the Christian community, too, has a phenomenal rise from 35,000 souls in 1901 to 132,100 in 1921, but the majority of these are in the Hills, which is beyond the pale of Reforms.

How injuriously this has worked, I will illustrate by an example from my own constituency. I represent the the Muhammadan constituency of Kamrup, Darrang-cum-Nowgong, comprising three districts with an area of 11,119 square miles. The total Moslem population of this area was 102,000 in 1911, and was given only one seat by the 1919 Act to that community, while five non-Muhammadan or Hindu seats were given for the same area. But when the Reforms were actually set into operation in 1921, this area revealed a Moslem population of 218,663 of whom some 8,000 were voters. In other words, the Moslem community lost the advantage of over a lakh of population in this electorate alone, by the process of basing the distribution of seats on 1911 census figures.

Again, I do not know how the electorates were divided. As mentioned above, a Moslem seat was created from an area of over 11,000 square miles, with over 8,000 voters, while a non-Muhammadan seat was given for an area of 287 square miles, with 2,086 voters for the Hailakandi sub-division of the Cachar district, total population being only 70,000.

I submit for these reasons that in calculating the seats for the new constitution, due regard be had to the average increase in the population of different

communities according to the past three or four censuses, and also the creation of unequal and unwieldy constituencies be avoided.

The division of India into different provinces both for legislative and administrative purposes, though not ideal, has by now received the sanction of ages, and is also fairly satisfactory. But there is a great difference in the status of provinces and the powers of the legislatures and administrations. Some provinces have not been brought within the operation of the Government of India Act, e.g. the North-West Frontier, Baluchistan, and Ajmer-Merwara. In Assam, the maximum instalment of Reforms have not been granted, e.g. Excise, the Public Works Department excepting the Irrigation Branch and Fisheries, which are transferred subjects in all other provinces, were not so in Assam until 1926, when Excise and Fisheries have been transferred to the control of the Ministers on account of the persistent demands of the Council, but even now the Public Works Department remains a reserved subject in this province. Bombay and Burma have got the Department of Forest, in addition, transferred to popular control, though the other provinces have been denied this privilege. All these anomalies ought to be done away with in the next constitution, and every province should be granted a Unitary system of Government. I see no reason why the North-West Frontier Province and Baluchistan and Ajmer-Merwara (if the population can sustain it), should not be granted Reforms. The majority of the people, at least in the first two, have been demanding it, but an opposition from certain interested quarters has made the Central Government sit tight. There is no reason to apprehend that 91 per cent. and 81 per cent. of Muhammadans in these two provinces cannot look after the interests of the small Hindu minority when the four per cent. and the six per cent. small Muhammadan minority in the Central Provinces and Madras have submitted themselves to the preponderating Hindu majority in these provinces.

The province of Sind, which is now an appendage to the Bombay Presidency, has been seeking a separation from the present arrangement. When the majority of the Sind population want to have a Government of its own, and when her present connection with Bombay Presidency has not been beneficial to her interest, it will be but an act of justice to create Sind into a separate province when it has a growing revenue, and its population about that of Assam when it was constituted into a separate province in 1874. Moreover, the important project of the Sukkur Barrage is bound, on completion, to add greatly to the population and prosperity of Sind.

This brings me to the separatist agitation on the part of certain people of the Sylhet district in Assam, for its union with Bengal. I am one of those who strongly protest against this movement. Sylhet, at present, forms the premier district of the province of Assam, with nearly one-third its population. The district is a deficit one, and with the provincial revenues collected from elsewhere, the administration has sunk a large amount of capital for the betterment of the district, and it would be a sad blow to Assam if Sylhet is allowed to go back to Bengal. Moreover, the main planks in the platform of this agitation, is linguistic affinity with Bengal and a separate system of revenue administration than the rest of Assam. I challenge any one to say that the spoken vernacular of the district of Sylhet is Bengali proper. On the same grounds, the district of Goalpara may urge their claim to be incorporated with Bengal, and already a movement has set afoot amongst the Zemindars of Goalpara in this behalf in spite of the fact that there is a counter-movement by the people at large. The district of Cachar is more or less a sort of colony of the Sylhet people. They also want to go to Bengal if Sylhet goes. I am of opinion that on account of the geographical position of Cachar and Lushai Hills, these two

districts, for administrative purposes alone, must be transferred to Bengal along with Sylhet. It is extremely doubtful if the majority of the Sylhet people want to go to Bengal. The Muhammadans who form the majority of that district do not favour the idea, and the mass of Hindu people are indifferent. The agitation is confined to a small but vocal coterie of the *intelligentia*. Authoritative statement has not been wanting that the rest of Assam cannot be given the status of a major province after the defection of Sylhet. And Assam, who has worked dyarchy very satisfactorily, ought not to be rewarded with a loss of its status in the next constitutional advance.

Any attempt to redistribute the provinces of India on a linguistic basis will raise a veritable hornets' nest. What province is there in India with a homogeneous population and a common language? In Madras Presidency, four distinct languages are in vogue, each counting millions who use them. Tamil, Telugu, Malayalam and Kanarese are the principal languages spoken there. In Bombay, there are Marathi, Guzerati and Sindhi. In Punjab, there are Pushto, Punjabi or Gurmukhi and Urdu.

Bengal politicians, in their last Provincial Conference held at Basirhat, passed a resolution to the effect that the Eastern districts of Bihar, viz. Singbhum, Manbhum and Purnea and the Western districts of Assam, viz. Sylhet and Goalpara, should be brought under the Bengal administration. On the same ground, the United provinces may like to absorb the Western districts of Bihar, as they speak the same language current in United Provinces.

Central Provinces is sharply divided into the Marathi-speaking, Urdu-speaking and Oriya-speaking areas.

In short, once the principle of linguistic affinity is conceded for the purposes of transferring Sylhet to Bengal, it will raise such an awkward precedent that India shall perforce have to be redistributed into smaller provinces in the south, while in the north a few existing provinces will cease to exist, bringing in a change in the administration which will be simply bewildering in its complexity and difficulty.

A point of great importance for the province of Assam is whether the Hill districts, which form about half the area of the province, i.e., the districts of Garo, Naga, Lushai, Khasi and Jaintia Hills, and the frontier tracts, should be brought within the reforms. Excepting the Khasi Hills, wherein is situated the provincial headquarters of Shillong, the people of the other Hill districts are semi-civilised, and rather aborigines, and have nothing in common with the people of the plains districts, and in the present Reforms, except the urban constituency of Shillong, the rest of the Hills were relegated to the pre-reform administration, and are called "Backward Tracts." All these Hill districts are run on a deficit, the total deficit for all the Hills being about ten lakhs. They have got different laws and regulations, and do not desire, excepting the Khasi Hills, to come within the Reforms. In my opinion, the Hills, excepting the Municipality of Shillong, should not be brought within the next constitutional advance, but they should be administered by the Governor acting as Agent to the Governor General in Council, and the cost of this administration should be entirely borne by the Central Government.

3. *The local self-governing bodies.* I have touched very briefly on some of the points arising from the Acts of our local self-governing bodies. As I have not got very much experience of the district and local boards, I refrain from saying anything on their functions, finance, control and relationship of Provincial Governments, etc.

4. *The Provincial Governments.* As I have indicated already, the constitutional development of the country must be towards the evolution of a federal constitution for India within the British Empire, each provincial unit forming a state in itself, and all being governed in matters of concern by a Central

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Federal State. I, therefore, advocate that Provincial Governments in future should obtain political autonomy. That is, Responsible Government should be conceded to the provinces by placing all provincial subjects in charge of Ministers responsible for the administration to the provincial legislature, the Governor being the constitutional head of the Provincial Government. This presupposes the principle of joint responsibility of Ministers and Cabinet system of Government will be the result.

The institution of dyarchy which has been worked for the last eight years has revealed many defects and should be done away with. This system may have been good for the transition period. In effect, its harmonious working was dependent on a very slender personal equation, viz., the personality of the Governor and his strict observance of constitutional procedure. Paradoxical though it may seem, this system has worked more satisfactorily where it has not been worked as a dyarchy. The division of Departments into Reserved and Transferred: their administration by the Governor respectively with the help of the Members of the Executive Council who are not responsible to the Legislative Council and the Ministers who are fully responsible; the power of the legislature's vote over the transferred budget and the responsibility of the Ministers to and the regulation of their pay by the Legislature compared with the irresponsibility of the Executive Council Members; the power of certification by the Governor of the budget of the Reserved side—all these create a most anomalous, difficult and delicate situation for the Ministers. The Ministers, in spite of a very difficult situation, administered the subjects under their portfolios as efficiently as those under the charge of the Governor with his Executive Council. The whole politics of the Legislative Council, so far as my experience of the last two Councils goes, centred round the Ministers. The Council took a particular delight in making the position of the Ministers most insecure, and sessional recurrence of the bogey of no-confidence motions and the hardy annual motions of reduction of Ministers' salaries made it extremely difficult for the evolution of any broad policy. Moreover, the ordinary period of three years of office for a Minister as compared with that of an Executive Council Member, whose term of office is five years generally, leaves little room for a continuity of policy in the subjects transferred to the Ministers' control. Experience has also shown that pseudo or semi-responsibility stimulates agitation and prevents smooth working of the political and administrative machinery. For all these reasons, I advocate that dyarchy be done away with, and a system of Unitary Government be introduced in the constitution for the Provincial Governments. For Assam, I advocate a Provincial Legislature of eighty members, which gives, roughly speaking, one member for each one lakh of population, and one-tenth of whom may be nominated by the Governor. There ought to be four Ministers to advise the Governor, all responsible to the Legislature, but appointed by the Governor, with fixed salaries. To ensure collective responsibility, it will be better if the Governor invites one particular individual to form a Cabinet, and instructs him to choose his own colleagues, with safeguards for representation of different interests and communities. Unless this is done, in a province like Assam, where various considerations of race, creed and territories are at play, it is impossible to expect joint responsibility of the Ministry. Speaking from personal experience, I found that my late colleague held diametrically opposite views on broad questions of principle, like communal representation, territorial redistribution of the province, etc., and any collective responsibility was out of the question under the circumstances.

The lifetime of a Council of three years is too short, and before the Councillors and the Ministers have settled to work, they are thrown again into the throes of a general election. In my opinion the

lifetime of a Council should be of a five years' duration.

In order to safeguard the interests of minorities, I have already stated that I advocate the principle of communal representation for the Moslems, the Animists and the Tea and Commercial interests. On a basis of population and the importance of the interests concerned, I will like to distribute the seats in the Provincial Council as follows:—

Cast—Hindus .. .. .	25
Mussulmans .. .. .	25
Indian Christians .. .. .	2
Primitive people .. .. .	7
Tea Industry (including labour force)	10
Commerce and other Industries ..	3
Nominated by Governor .. .. .	8
Total .. .. .	80

If possible, on the analogy of the post-war constitutions of Southern Europe, the cultural autonomy of the minorities may also be safeguarded by the constitution.

I do not advocate the institution of Second Chambers for the Provincial Governments. I think for a small province like Assam, the electoral roll for a Second Chamber will be very meagre, and incompatible with a democratic institution. I would very much like to safeguard the interests of the different communities by providing in the constitution a clause to the effect that no Bill be introduced or passed in a local legislature to the detriment of any community or communities unless that Bill or Act has received the assent of three-fourths of the members of that particular community or communities.

As regards the finances of Provincial Governments, I am for keeping all present provincial resources of revenue, and also for including in it certain heads of revenue which at present are enjoyed by the Central Government. I strongly advocate that the proceeds of any export duty or of any income-tax on a commodity, and the proceeds thereof, respectively, raised by a particular industry of any province should be made available for that province. Speaking for Assam, the main industry in Assam is tea, and tea export duty was levied so long, but Assam never enjoyed any portion of that revenue. These tea companies have made huge profits lately, and paid considerable amounts of income-tax, but Assam was given only a very small share of the revenue from that income-tax. The question of the audit of the provincial finances may be left with the Central Government.

I would also advocate a special financial treatment from the Central Government so far as Assam is concerned. The geographical position and its topography make the administration of Assam very costly. Assam is the North-East Frontier of India, and is surrounded by warlike, uncivilised or semi-civilised tribes. This necessitates maintaining an armed force which otherwise Assam would not have maintained. On pressure from the Legislature, the Government of India is now bearing only a share of the cost of maintenance of this force. The entire share of the cost of maintenance of the Assam Rifles, in my opinion, should be borne by the Central Government. I have also spoken at an earlier stage that the Hill districts should be maintained by the Central Government. Barring the fact that the Hill Districts Budget is not a separate one, but is placed before the Council in the same Provincial Budget; there is no manner of connection between the administration of the Hills and the Plains Districts. Assam is divided into two valleys by the Bramaputra and the Surma rivers, which are again separated by the ridge of inaccessible hills. Up till now there is no direct communication between the two valleys. This has caused increased cost of administration. And also, the fact that the hills, both for political and social reasons, require to be administered by



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Europeans, the presence of European planting community scattered all over the province, requires a larger number of British recruits than would have been the case in the services. This also has raised the cost of administration. Then each of the two valleys being divided by mighty rivers, like the Brahmaputra and the Surma, requires public works on either bank, and this is another drain on the meagre revenues of the province. It may not be out of place to mention here that the total revenues of the province is below that of the Corporation of Calcutta or Bombay City.

5. *The Central Government.* For the present, I would suggest a sort of dyarchy for the Central Government. Or, in other words, the constitution of the Central Government should follow, in its main outline, the constitution of any of the bigger provinces under the Montagu Reforms. I advocate 250 members for the Central Legislature for the 247,000,000 and odd population of British India. In view of the political importance and the past history of the Muhammadan minority, I advocate that one-third of the total number of members should be drawn from the Muhammadan community through separate electorates. There should be a Viceroy's Cabinet of eight members, at least four being Indians drawn from the different communities in the Central Legislature. Those subjects in the Central Government which are now in the portfolios of Ministers in Provincial Councils should be administered with the same degree of responsibility to the Central Legislature by the members of the Cabinet. I have spoken already earlier as to franchise. If my main proposal is not accepted, I would lower the franchise for the Central Legislature, and would admit everyone who is a voter in the Provincial Legislative Council in the electoral roll of the Central Legislature. For the Central Government, I advocate a Second Chamber on the lines of the present Council of State, but would make it far more democratic. The relationship between the two Houses should remain as at present. The budget of those subjects which are now votable in the Provincial Councils should be made votable in the Central Legislature also.

6. *Relations between Central and Provincial Governments.* I have already indicated that the Central Government should have the minimum of control over the Provincial Government. In other words, I advocate full responsible Government for the provinces. This should do away with the general power of superintendence and direction in all provincial subjects. The Central Government should further have the supreme power as regards the defence of India. In other words, the Army, the Navy, the Air forces, and the political affairs should be left with the Central Government. Financial relations between the Central and the Provincial Governments I have already advocated, and from the current year the Meston Settlement has become a dead-letter as the provincial contributions have been remitted *in toto*.

7. *The Courts and Judiciary.* Almost every local Legislative Council has expressed a desire that the existing system of the combination of Judicial and Executive functions should be done away with. I am of opinion that this much-needed reform ought to be brought into existence in the next constitution.

8. *The Constitutional Problem, etc.* I have already indicated that our constitution should aim at the evolution of a United States of India, and that in my opinion a Federation of Provincial Governments is the only form of Government suitable to the

conditions prevailing in India to-day. I am strongly of opinion that a sort of equilibrium may be attained by creating the three provinces I have advocated earlier, i.e., the North-West Frontier Province, Baluchistan and Sind, which should also enjoy the same amount of privileges as are granted to the other provinces of India. For a contented India would largely depend upon the relations of the two main communities. With the extension of reforms to these new provinces, the Moslems will be in a majority in five, while the Hindus will be in a majority in six. It is expected that a Federal constitution for India on those lines will bring about the much-needed harmony between the two communities, and will set at rest the communal strife which has been a disgrace to the country during the last four years. Confidence in each other has been rudely shaken amongst the various communities, and minorities will be reconciled to constitutional changes by experience rather than by persuasion and force. Such a federated India should be given the same status and position as Canada and Australia in the British Empire.

9. *Relationship between Central Government and Secretary of State.* The Government of India Act of 1919 grants huge powers of initiative, superintendence and control to the Secretary of State. These powers are inconsistent with the grant of Self-Government to India which has been the declared policy of the British Parliament. I do not think that the Secretary of State should be given such powers of vast control even in affairs relating to the internal administration of the country. The control of the Secretary of State may be kept in the administration of the Foreign and Political affairs and the defence of India. The Secretary of State may also be given the power of regulating the relationship of India with the international world. In spite of the fact that I advocate for the present a dyarchic system for the Central Government—I am of opinion that the relationship between the Central Government and the Secretary of State and the British Parliament should be at a par with the relationship of the Dominion Governments and the Secretary of State for the Colonies and the British Parliament, except in those three departments over which I had advocated full control of the Secretary of State.

10. *The position of the Services.* The position of the Indian Civil Service and other All-India Services will be anomalous in the constitution advocated by me. That is, after provincial autonomy, responsible Government will be a sham if the administration can have no control over the services. This was recognised by the Lee Commission, who advocated the discontinuance of the All-India Services in future, for the services operating in the Transferred Departments. In my opinion, the same argument holds good for the Civil Services. The All-India character of a Civil Service should be stopped henceforward, and each province should recruit its own services. All services should henceforth be provincial, and recruitment be made through either the Central or the Provincial Public Services Commission. The recruitment of officers of non-Indian domicile has made the administration very costly, and therefore the rate of Indianisation ought to be accelerated and the money thus saved may be utilised for the growth of the provinces.

As I have indicated already, I want that the prospects of the minorities for a proportionate share in the administration of the country should be provided for in the constitution itself. This will save a lot of bickering and unpleasantness in the local legislature.

## Memorandum submitted by the **BRITISH INDIAN ASSOCIATION,** Calcutta.

The British Indian Association, founded in the year 1851, is the first Political Association in India. During the last three quarters of a century it has taken initiative in the introduction of many valuable measures. It has been the policy of this Association to approach all important public questions with due sense of responsibility and with proper regard to the views of the Government and the people.

The majority of our members are conservatives in politics, but they realise that under the altered circumstances brought about by the Government of India Act of 1919, it is their duty to proceed on progressive lines and it is their privilege to help in the political advancement of the country and to initiate measures for the amelioration of the condition of their countrymen, belonging to other sections of the society, with due regard to their own claims as can justly and properly be put forward before the Government and the awakening democracy of the present age. The members of the Association represent landed and other vested interests.

In view of its politics and the important interests that it represents, the British Indian Association naturally welcomes the opportunity of submitting its opinion to the Indian Statutory Commission in the hope that the recommendations of the Commission will lead to a large measure of advance towards responsible form of Government, and it trusts that such advance, while being generous and marked, would be suitable to the conditions of Bengal and of India. The Committee of the Association after careful consideration has decided to limit its submissions mainly to matters which predominantly affect interests represented by the Association. The Committee has, therefore, decided not to touch some of the important subjects referred to in the memorandum of the Commission circulated to public Associations inviting opinions. The principal reason for coming to this decision was that a suitable answer to some of these important points would depend largely on the decision of the Commission about abolition or retention of communal representation. As it is not possible for my Committee to anticipate the decision of the Commission on this vital point, it has decided to refrain from expressing its opinion on a number of important questions. The Committee would, therefore, content itself by urging some of the broad points of the future provincial constitution, such as the electorates and the franchise with special reference to interests in which our Association are vitally concerned. My Committee would also venture to point out the need for stability and ordered progress in the new constitution. In view of its opinion stated above about communal representation, the Committee has refrained from expressing its views on the constitution of the Central Government. For the same reason it has also decided to reserve its opinion on a number of points affecting the provincial Government. We would, however, desire to emphasise at the outset that full provincial autonomy subject to the safeguard of an Upper House is essential for ordered progress and for development of responsible Government.

### I. THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

(a) *Basis of Franchise.* The Committee of the Association would in this connection venture to place before the Commission some preliminary observations. In order to achieve success in administration through a Responsible form of Government, the realities of the situation and the interests vitally affected should not be ignored. The progress and advance in a Responsible form of Government should also depend on the progress and advance of the classes, interests and communities concerned. In this connection, my Committee would like to draw the attention of the members of the Commission to some well-known facts about the progress of Responsible Government in the United Kingdom,

where in each step of advance in Responsible Government adjustments were made in the basis of franchise and formation of electorates from time to time to suit the variations in social and economic changes amongst the people. Before 1832, Responsible Government there meant responsibility of the Government for the time being to a comparatively limited number of voters. As the commercial, trading and manufacturing cities gained in importance, franchise was extended to them by the great Reforms Act of 1832. Consequently, changes in the number and class of voters were made in the sixties, eighties and nineties of the last century, and under the People's Act of 1918 the qualifying franchise of a British male voter was fixed at an annual value of £10 and of a woman voter at an annual value of £5 in her own right or in the right of her husband. Responsible Government in England therefore, had a steady progress with a steady increase in number and change in the class of voters. In such advance due note was taken of the changing conditions of different classes and interests of citizens who were enfranchised, proper attention being always paid to the capacity of these voters to exercise intelligently their right of franchise. It is true that the conditions in Bengal and in India are very different from those of the United Kingdom, but there is one point which should be borne in mind, that Responsible Government in a country for the time being should be responsible to and represent those interests which from the social and economic points of view are important at that particular period of its national advance. Approaching the question from this broad aspect my Committee would like to point out that over 90 per cent. of the people of Bengal are agriculturists, and the interest of Bengal is therefore predominantly rural. On the welfare of the 90 per cent. of its agricultural population also depends to a large extent the welfare of the urban population. The agriculturists who cultivate lands in rural areas hold those lands under zemindars who are proprietors of the soil; but the bulk of these agriculturists have protection from ejection. The interests of Bengal, therefore, require that those who are proprietors of lands as also those who cultivate the land should be adequately represented in the Legislature.

There are at present only five representatives of the landholders in the Bengal Legislative Council and only one in the Legislative Assembly. The zemindars of Bengal directly contribute one third of the total provincial revenue. Besides this direct contribution they also pay a large portion of their taxes from which the expenditure of the Government of Bengal is met. The social, political and economic importance of this class can hardly be overstated. They have only five representatives in the Local Legislature consisting of 140 members and only one in the Legislative Assembly—these representations are very inadequate. It may be pointed out that under the Minto-Morley Reforms the landholders were granted the privilege of electing five representatives in the Local Council consisting of only 27 elected members and of sending two members to the Imperial Legislative Council. In the Reforms of 1919, their number of seats remained stationary, though the number of representatives both in the Council and the Legislative Assembly was largely increased. In consideration of their large contribution to the provincial exchequer, their importance as a class and the fact that they own the proprietary interest of practically the whole of Bengal, the zemindars should be given at least one third of the elected seats in the Local Council. It has been suggested that as the zemindars can come to the Legislative Council through the General Electorates there is not adequate justification for earmarking a larger number of seats for them through the Special Constituencies; those who make this suggestion overlook the obvious fact that in order to success-

fully contest a seat in the General Constituency there is little chance for a zemindar candidate unless he be willing to forswear his class interest and accept a proletarian and anti-British programme and popular slogans in support of such demands. Experience in Bengal Election confirms this contention. But apart from experience, here we may be permitted to point out that this phenomenon is not unknown in other countries; a capitalist who gets returned from a labour seat in the United Kingdom must undoubtedly voice labour opinion and cannot be looked upon as a representative of his class. In the present state of our political evolution the peculiar condition of our country, and the existence of a ruling power, belonging to another race, unless the Representative form of Government be based on the actual class interests difficulties are likely to be encountered.

The Committee of my Association submits that if the zemindars be not precluded from contesting the seats in the general constituencies, the number of their seats in the special constituencies should be increased at least to 15. But if they be so precluded then the number of seats reserved for them should be at least 30 per cent. of the elected seats.

In this connection my Committee begs to point out that the number of the electors in the Landholders' Constituencies should be considerably increased by reducing the revenue, cess and rent qualifications and by including permanent tenure holders who pay a definite amount of rent or cesses. But in order to retain the distinctive feature of these constituencies the existing franchise qualifications should not be reduced by more than one third.

(b) Number of seats in rural areas should be increased and their present size should be reduced.

Municipal franchise in mufussil Bengal should be separated from rural constituencies.

At present, we have one seat for about 11,500 voters, both in the Muhammadan and non-Muhammadan constituencies. The number of voters is too large and the areas too big for one candidate to properly canvass when he is expected to visit almost every village personally and, if possible, every hamlet, in spite of the defective means of conveyance and communication. To effect some improvement in this matter without making the legislature an unwieldy body, my Committee ventures to suggest that one seat may be allotted to every seven thousand voters and the administrative unit of a district may accordingly be divided into electoral districts or constituencies. We propose a complete separation of the rural and urban areas for the purpose of election. At present only Calcutta, Dacca, 24 Parganas and the riparian municipalities of Hooghly and Howrah have separate urban representations; all the other municipalities form part of the rural constituencies. In the Reforms of 1910, these municipalities have been denied the right of separate representation because they were supposed to have no distinct interest from the rural areas of the districts in which they are situated. But this theory is open to question; people residing and carrying on their business and profession in the mufussil municipalities, though some of them still retain lands in the villages, become a class by themselves. They, on account of their better economic condition, higher status due to their learned profession, trade and commerce and superior education, enjoy greater advantage in life, and have little affinity of interest with people living in the villages. In the elections, they make a distinction between a candidate hailing from their own town and those belonging to the mofussil areas and there is a strong tendency to support the former in preference to the latter. A rivalry is thus noticeable between the urban and the rural areas of a constituency. Larger number of voters, inhabiting in a small and compact area, greater facility of canvassing and of recording votes, superior intelligence of the town people, and a strong tendency to support a candidate belonging to the town generally decide the result of election

in favour of the urban candidate. So, we beg humbly to point out that the inclusion of municipal areas within the rural constituencies is hardly fair to the mofussil voters distributed over not less than 1,000 villages, extending over an area of 800 to 1,200 square miles. Voters, in the villages, have got to cover sometimes ten miles on foot to record their votes at a polling station which is absolutely unconnected by any road. With these disadvantages of a rural voter one would like to contrast the facilities enjoyed by an elector living in a mofussil town, where we have generally three or four polling centres. So that each station records the votes of electors living within a radius of one mile. All sorts of conveyances, including motor buses are available to them; they can have their tiffin at every street corner. On these grounds, we suggest a separation of the rural from the urban areas for the purpose of election. The municipalities of each district should be given a separate seat in the Council.

(c) *Communal Representation.* We are against the introduction of the system of communal representation in the local bodies or its continuance in the legislatures except in the case of Europeans, who do not form part of the Indian nationhood, but stay in India for a few years on business and retire after a certain time. They always maintain their separate identity as a community in India even in matters political. But this cannot be said with regard to any other community in India, not even in the case of Anglo-Indians who have adopted India as their permanent home, far less can it be said in the case of Muhammadans. We beg to suggest the abolition of communal representation, but to safeguard the interest of minority communities seats may be earmarked. We do not propose to repeat the arguments against the system of communal representation. This is a suggestion which has been almost universally advocated by the leaders of Indian public opinion both Hindu and Muhammadan, a very influential section of the latter community also has accepted it as a part of political expediency. So, we do not propose to deal with it at length.

(d) *The relationship between representatives and constituents.* Admittedly, at present there is not much touch between a representative and his constituents. The number of electors, the unwieldy area, absence of facility of communication, lack of real political education and interest on the part of the voters and want of party fund and party organisation, render it difficult to maintain the touch which a candidate is obliged to form at the time of election. Matters may improve with the reduction in area of constituencies and in number of electors as suggested by us.

#### IV. PROVINCIAL GOVERNMENTS.

(a) *Constitution.* As regards the constitution of the provincial legislature, the Committee of my Association would like to suggest that it should consist of two Chambers. The powers and constitution of an Upper Chamber should be similar to those of the Council of State: the qualification for its membership should also be similar to that of the Council of State with slight reduction in case of property qualification. The life of the Upper Chamber should be five years and that of the Lower four. The Upper House in the provinces should be a revising Chamber with power to restore a demand refused by the Lower House. But bills, except the Finance Bills, may be first introduced in either of the two Houses. The Finance Bills should be first introduced in the Lower House. The Upper Chamber will have the power to criticise it and, if necessary, to restore any demand refused by the Lower House; but will have no authority otherwise to vote on budget demands. The total strength of the Upper House should not exceed more than fifty. The number of seats in the Lower House should be increased as already mentioned in this memorandum.

(b) *Working of Dyarchy.* There is a consensus of opinion in favour of the abolition of dyarchy. The

system has failed to work smoothly, and instead of maintaining the unity of the Government, on many occasions, their disunion became quite apparent. We do not propose to recount all such instances where the two halves of the Government failed to come to an agreement and measures introduced by the reserved side did not receive the active support of the ministers in the council, or when many important and useful schemes framed by the popular ministers did not materialise because they were condemned by the members of the Executive Council either on financial or political grounds. In all provinces, there were numerous instances of such disagreement. The greatest weakness of dyarchy lies in disagreement between the two halves of the Government in questions relating to the Department of Law and Order. If they remain neutral in the council, the disunion in the Government is exposed and the ministers lose sympathy of the Civil Service and of the non-official European community, on whose support they have to depend considerably, at least in Bengal. If the ministers support the Government in maintaining Law and Order, they will at once forfeit the confidence of the Indian members of the Legislative Council, and the Swarajists, who are against dyarchy on principle, taking full advantage of their unpopularity, will move a vote of no-confidence on them. Thus the ministers suffer for an action of the Government over which they have little control. We are, therefore, in favour of full provincial autonomy in all the departments, including that of Law and Order. Unless this department is transferred to the Ministers, provincial autonomy will fail to secure full popular support and co-operation, and exclusion of popular control from this department will amount to another experiment in a limited form of diarchy, with all its defects and risks. Transference of control over this department from the Provincial to the Central Government as has been suggested by some political thinkers may tell upon the efficiency and prestige of the Provincial Government and will fail to secure popular satisfaction. The popular mind will not make any distinction between an action of the Central Government and their agents in the provinces. The people will naturally resent any measure of the Government which they do not approve by retaliating on the Ministers over whom they will have constitutional control. Moreover, in order to foster a sense of administrative responsibility, which cannot be separated from constitutional concessions, it is highly desirable that the department of Law and Order should be placed under a minister responsible to an elected legislature. Introduction of an Upper Chamber, consisting of the representatives of the people with large stake in the country, will strengthen and improve the position of the ministers, who will thus be able to act in the best interest of good administration, and will not have to shirk their responsibility only to avoid unpleasant situations and for the security of their office. Ministers should be selected from both Houses, and they should have the right to address both the Chambers.

(c) *Position and powers of Governor.* The Governor, in the existing constitution, is the head of the Executive; with the introduction and development of real self-government, it should be the aim to make him the constitutional head, free as far as possible from all executive responsibilities. With the grant of provincial autonomy his right of interference with the action of the ministers should be reduced to a minimum. Without freedom of action the position of a minister cannot be made sufficiently attractive or his powers effective. The Instrument of Instructions should be amended subject only to the power of interference by the Governor to prevent unfair discrimination between classes and interests and to protect minorities. The Governor should not otherwise dissent from the opinion of his ministers. The practice of direct audience of Secretaries with the Governor should be discontinued.

(d) *Relationship of Ministers to each other.* Apart

from all other salutary effects of developing the principle of joint responsibility in order to avoid a division amongst the supporters of the ministers in the Council, purely on communal grounds, the system of joint responsibility should be introduced. This would act as a check on tendency on the part of the Hindu and the Muhammadan members of the Council to support or oppose a Minister on communal basis.

(e) *Working of Departments.* The present division of departments into Reserved and Transferred are arbitrary and unscientific. For example, the Minister of Development is not in charge of Forests, which is a reserved subject; so also we have the Minister of Agriculture without the charge of the Department of Irrigation, which is a Reserved one. The Minister in charge of the Department of Industries has no control over Factories. This difficulty will disappear with the introduction of full provincial autonomy. The division of portfolios amongst ministers themselves also should be made in such a manner as to avoid any unscientific distribution.

(f) *Classification of Reserved and Transferred Subjects.* This artificial and temporary distinction between Transferred and Reserved subjects as obtained at present cannot exist in a responsible Government. All the departments will be managed by Ministers whose number will not exceed four.

(g) *Desirability of Second Chamber.* As in all other countries, during the period of transition when the administrative control of a country is being gradually shifted from monarchy, oligarchy or bureaucracy to the people, they generally lose their political balance and there come into existence extreme parties, which are often anti-Government or are definitely against those who undertake the responsibilities of office. They become the most popular of parties and sweep the poll. They are for levelling down all existing arrangements and by their unreasonable opposition attempt to bring about a constitutional deadlock. This, too, has been our experience in Bengal since the election of 1923, when the Swarajists entered the Council with the express object of wrecking the working machine. They did succeed partly, if not wholly, in creating a constitutional chaos, and ministry after ministry was overthrown. Those which survived for a period the onslaught of the Opposition had a precarious existence, and the ministers who had thus to be always on the defensive could not seriously set their heart to any useful work. The failure of the ministers to achieve anything substantial since 1923 may be largely, if not wholly, attributed to the unreasonable opposition of the extremist party which was naturally very popular and powerful against a foreign bureaucracy. In order to counteract the activities of such extreme parties, which are bound to come into existence at least for a long time yet with the growth of political consciousness of the people, who have been under a foreign domination for the last several centuries, it is desirable that there should be a Second Chamber, composed of persons of sober views, men with large stake in the country and of proved political experience and sagacity. The legislature which will be thus bicameral will not be absolutely controlled by men of extreme views. The Government, with the introduction of provincial autonomy, will be a Government by the people and will be able to rely upon the support of the Upper House, both for salutary legislations, and also for opposing measures which will be brought forward with the object of putting obstacles in their path. The qualification for membership and composition of the provincial Upper House should be like those of the Council of State, and there should be no communal representation, but seats may be reserved for the minority communities and special representation should be granted to special interests, like those of landholders and merchants.

(h) *Question of provincial autonomy and control by the Central Government.* We have made it perfectly clear that full provincial autonomy is our

immediate goal. All the subjects should be transferred to the charge of ministers responsible to the Provincial Legislature. The Central Government, whose control over the Local Government is mainly threefold, viz., Legislative, Administrative and Financial, should fully transfer these powers to the Local Government, except in matters affecting inter-provincial interests, or interests of the Central Government, and in preventing unfair discrimination between class interests. In all inter-provincial matters, the Central Government must continue to be final arbiter. However much we may try to mould our constitution on the lines of the Federal Governments of Canada and Australia the analogy cannot be and should not be pushed too far. There are many questions which are peculiar to the Indian Empire, including those about the Native States. They are integral parts of the Indian Empire, whose interests cannot be ignored or whose importance as part and parcel of our country cannot be minimised. The Central Government or the Viceroy, as representative of the British Crown, must come in to adjust all questions affecting the whole of India. Thus it will be a mistake to suppose that our provinces can be modelled after the States of Canada or Australia, or our Central Government after their Federal Governments. In all the three branches, viz., Legislative, Administrative and Financial, the control of the Government of India should be relaxed as much as possible to make the provinces really autonomous subject only to a general control and supervision of the Central Government to avoid inter-provincial, inter-communal clashes, to safeguard the interests of the Native States, and to maintain the position and power of the Government of India with due regard to national and imperial defence. The control of the Central Government over the Local Legislature may be minimised by certain modifications of Section 80 A of the Government of India Act, but we do not consider that complete freedom is a practical proposition.

As regards the classification of Central and Provincial subjects we are inclined to accept the existing arrangement. The grant of full provincial autonomy may require some minor and technical changes and readjustments, but we do not propose to go into these intricate details in this memorandum.

4 (k) and 6 (c). *The financial relationship between the Central and Provincial Government, including the Meston Settlement.* The Financial Settlement known as the Meston Award, which was ushered in with the Reforms of 1919, has practically dissatisfied all the provinces. The two Presidencies of Bengal and Bombay considered themselves very badly treated and attributed the failure of Reforms partially to financial stringency. Without entering into the long, and for the present unnecessary, discussion of the relative effect of the settlement of Lord Meston on the different provincial governments, we can say that Bengal was very hard hit; she considered the allocation of revenue unfair and absolutely inequitable. Repeated attempts of the Government of Bengal to get this defect remedied were in vain.

Neither the Indian Legislative Assembly nor the Government of India are very sympathetic towards Bengal in this matter. The exaggerated idea of Bengal's economic prosperity due to the Permanent Settlement, the imperfect knowledge of the average member of the Indian Legislative Assembly about the taxable capacity of her people, her past political preponderance and the unyielding and unsympathetic attitude of the Government of India have rendered the position of Bengal extremely unenviable in this financial crisis. Bengal, it may be pointed out, started with a deficit of two crores and twelve lakhs of rupees. To meet the deficit, the Government had to introduce three new taxation bills, viz.:

- (1) Bill to increase Judicial Stamp by 50 per cent.
- (2) Bill to increase non-Judicial Stamp by 50 per cent.
- (3) Bill to raise Tax from Amusements.

It was expected that a revenue of 1 crore and 40 lakhs of rupees could be raised, but the total receipt from these three sources was not more than 95 lakhs of rupees. In September, 1921, the Government retrenched the Budget expenditure to the extent of 90 lakhs. There was a further retrenchment in 1925, and the total amount of expenditure thus curtailed was about 1½ crores of rupees. The Provincial contribution of 63 lakhs has now been permanently remitted, but still there is no surplus revenue to enable the Government to undertake even the most urgent works of improvement. We beg to suggest that in order to give Bengal a real surplus, without which provincial autonomy will be of no practical value, a percentage of the Income Tax, or Jute Duty or Customs Duty, should be given to her.

(i) *Financial Relations between the reserved and Transferred Subjects.* It has been pointed out above that the allocation of revenue of a proportion of 70 per cent. and 30 per cent. or 66 per cent. and 34 per cent. between the Reserved and Transferred Departments of Bengal is highly arbitrary and unreasonable. In responsible government such question as financial relation or joint and separate purse will not be wise. The Cabinet will look to the proper distribution of funds for each department.

In conclusion, the Committee of my Association begs most humbly and respectfully to urge that sufficient consideration may be shown to the special claims of the Zemindars of Bengal to a larger number of representations in the future constitution of the country, to which they are justly entitled on account of their vast interest in land, high status in the social system of the province, and large contribution to Government revenues. We hope and trust that in future constitution we shall be given proper facilities to undertake the duties which fall on us as natural and hereditary leaders of society who, though less assertive, are by no means less alive to the responsibilities which devolve on them on account of their position as landholders, and we sincerely hope that the British Government will stand by the pledge given to us by the Government of Lord Cornwallis, and help us to maintain our rights and privileges.

## CALCUTTA.

15th January, 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN AND SIR ZULFIQAR ALI KHAN), AND OF THE BENGAL PROVINCIAL COMMITTEE.

## Deputation from the British Indian Association, Calcutta.

The deputation consisted of :—

The Hon. SIR RAMESWARA SINGH, G.C.I.E., K.B.E., Maharajadhiraja Bahadur of Darbhanga (ex-President, British Indian Association).

Mr. BIJOY PROSAD SINGHROY, M.L.C.

Maharaja Bahadur SIR PRODYAT COOMAR TAGORE (President).

Mr. SATYA CHARAN MUKHERJEE, M.L.A. MAHARAJ KUMAR OF DARBHANGA.

RAJKUMAR OF GAURIPUR.

Mr. P. N. TAGORE (Secretary).

\* \* \* \* \*

11. *The Chairman* : \* \* \* \* \* At the bottom of page 35 I see you say : "There are at present only five representatives of the landholders in the Bengal Legislative Council and only one in the Legislative Assembly. The zamindars of Bengal directly contribute one-third of the total provincial revenue." I should like to ask one or two questions about that. The zamindars in this province benefit, of course, and I should imagine benefit enormously, by what is called the permanent settlement, do not they?—Yes.

12. Which was in 1793?—Yes.

13. Do I understand that the land revenue which they pay is land revenue which was fixed having regard to the assets of the land in 1793?—Yes.

14. Has the value of the land greatly increased since 1793?—In some cases.

15. With the result, of course, that it can be let out to tenure holders at a rent which is above the rent it could have commanded in 1793?—I think so.

16. For example, in 1793, was the production of jute on a commercial scale known? Was jute in 1793 a material source of commercial profit?—I do not think so.

17. At present jute is an enormously important article of production, and I imagine it greatly increases the value of the land of Bengal, does not it?—Yes.

18. I have made an inquiry, because it is interesting to know. Let us take, for instance, the district of Mymensingh. I think the land revenue collected in that enormous district is about Rs.8 lakhs, is not it?—Yes.

19. Is that about right?—(Sir P. C. Tagore) Yes.

20. I am told (I may be wrong) that the jute production coming from that district brings into the district Rs. 8 millions or thereabouts?—(Maharaja of Darbhanga) Yes.

21. Is that right? Anyhow, without inserting a figure, it is evident there has been an enormous increase in the value of land since the days of the permanent settlement?—(Mr. Singhroy) Yes, but the whole profit is not intercepted by the zamindars.

22. I am sure it is not, but is it correct to say the zamindars bear the burden of the land revenue?—Yes.

23. Is not it the people to whom they let their land who bear the burden?—The zamindars partly, and the tenants also.

24. Do they? Do you think on the whole to-day the rent received by the zamindars of Bengal is not

sufficient to cover the land revenue which they have to pay, as well as the profit which they used to make?—Yes. They make a certain amount of profit, but the major portion of the profit is intercepted by the middlemen and does not come to the zamindar, who is the actual proprietor.

25. I quite see that. By "middlemen" you mean the intermediate interests before you get to the cultivator?—Yes.

26. Take a specimen district. How many intermediate interests would there be?—Generally three or four, but in some cases as many as twenty. In the districts of Bakarganj and Faridpur the intermediate holders are sometimes twelve to fifteen in number.

27. Let us take the instance you gave, because it is very instructive. You will have the zamindar, who is liable to pay and no doubt is the hand that pays the land revenue fixed in 1793. He lets his land to the tenure-holder?—(Sir P. C. Tagore) The cultivator.

28. Does he?—The zamindar lets out his land to the actual cultivator and the tenure-holders. Under the tenure-holders are the actual cultivators.

29. I was taking the instance given by the other gentleman, who told me it was very common to have four or five intermediaries?—(Mr. Singhroy) Yes.

30. Let us take the instance where there are four or five. There will be the zamindar, who is the landholder and whose hand pays the land revenue fixed in 1793, and he lets to the tenure-holder?—Yes, he lets it to the tenure-holder.

31. Presumably at a rental which is satisfactory to both sides. That tenure-holder we will call A. Does he sublet sometimes to a subordinate tenure-holder, a sub-lessee?—Yes.

32. We will call him B. B sublets to a third man, whom we will call C, and C, we will say, lets to the cultivator?—Yes.

33. In the ordinary way there will be at each stage, will not there, an advance of rental?—Yes.

34. Each man gets his own return?—His own profit, yes.

35. I follow the zamindar, under the permanent settlement, is responsible for paying the land revenue then fixed. The zamindar does not pay any income-tax, does he?—No.

36. Then tenure-holder A—does he pay anything?—No.

37. Nothing at all?—No. No income-tax is assessed on agricultural income.

38. So that if A holds from the zamindar (let us say, for the sake of argument) 100, and lets at 120, and therefore makes a profit of 20, he makes no contribution in taxation on that 20 at all?—As income-tax he pays nothing.

39. I am talking about provincial revenue. A, who holds the land at 100, and lets it at 120, and who therefore makes a profit of 20, makes no contribution in respect of that 20 to provincial revenues at all?—Except by way of cess.

40. Is that to provincial revenues? I thought it was to local?—To local, yes.

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[Continued.]

41. I am not talking about that, I am talking about provincial revenues?—He makes no contribution.

42. The same with B and the same with C, is that so?—Yes.

43. Have the British Indian Association any suggestion to make as to how that situation ought to be dealt with, or do they think it should go on like that for the rest of time?—I do not think we can suggest any improvement on that situation, because any change in that arrangement would mean an economic revolution in the whole country. It would disturb the whole arrangement altogether, and will affect almost every man in Bengal.

44. We have correctly described the situation, have not we? I do not want to state it wrongly. That is a description of what in fact happens, is not it?—Yes.

45. The intermediate people pay no taxes to the provincial funds at all?—No, they do not pay any taxes.

46. And you think that should remain. That being so, what is the proposal of the British Indian Association and the zamindars of the province as regards their representation?—The representation of the zamindars?

47. Yes?—On revenue qualification as at present?

48. What is the proposal which your deputation wishes to put before the Conference as to how the landowners of Bengal should be represented in the Bengal provincial council?—When you talk of the representation of landowners, we mainly confine our proposal to the case of the zamindars, the men holding the superior interest.

49. About how many of them are there? You say there are 130 members of the British Indian Association. How many are there in Bengal altogether?—At least 100 of the 130 members are zamindars.

50. You misunderstand me. There may be zamindars in Bengal who are not members of your Association?—Yes, there are.

51. About how many zamindars are there in the same position as members of your Association?—A very large number.

52. Let us confine ourselves to the larger zamindars. At what sort of point do you describe a man as a big zamindar?—A man who pays Rs.4,000 revenue I should call a big zamindar.

53. How many such persons are there?—About 600.

54. Then do I understand the representations made by the British Indian Association are in respect of those 600 people?—600 directly, and for the rest indirectly.

55. What is the representation in the provincial council of the future which you think these 600 people should have?—We want at least 15 per cent. of the elected seats.

56. 15 per cent.?—That we have said in our memorandum.

57. I was not quite clear about it. On page 35 you say "In consideration of their large contribution to the provincial exchequer, their importance as a class and the fact that they own the proprietary interest of practically the whole of Bengal, the zamindars should be given at least one-third of the elected seats in the local council"?—Yes. What we mean is that one-third is due to them.

58. Will you make it clear to me whether these 600 people should have one-third of the seats, or whether you think they should have at least 15 per cent? One-third is 33 per cent.?—One-third is 33 per cent., but—

59. I think perhaps the explanation is this. I do not want to confuse you. I see the reference on page 36. You say that if zamindars are free to contest general constituencies, then, in that event, the number of the zamindars' seats in the special constituencies should be increased from 5 to 15. That is not 15 per cent., but it is 15 seats. But if the zamindars are precluded from contesting general constituencies, the number of seats reserved

for them should be at least 30 per cent. Is that the proposal?—Yes.

60. Lord Burnham refers me to a statement in the Government book at the top of page 139.\* "There are five landholders' constituencies, all of which usually return Hindu members to council. These constituencies were created in the belief that the greater landholders would find it difficult to enter the council through the general constituencies, but in the present council there are actually"—the figures have been revised for us—"sixteen Hindu and eight Muhammadan elected members whose names are on the electoral rolls of the landholders' constituencies." That seems to show, does it not, that in fact the larger zamindars do get elected by the general constituencies?—Yes, up till now they have succeeded in coming to the council through the general constituencies, but we apprehend that it will not be possible for them to come so in future.

61. Why do you think that?—Because there is a feeling against the landholders generally in the country, that the agriculturists should have their own representatives in the council, and not through the zamindars.

62. Then I am not quite clear—you will make it entirely clear—whether, in the view of the deputation, the part that would be played by the zamindars returned by the special constituencies would be to protect the class interests of the zamindars, or to act on behalf of the citizens as a whole?—The zamindars' representatives will protect their own interests as well as those of the citizens as a whole, because you may be aware of the amendments of the Bengal Tenancy Act which was passed just a few months ago. The zamindars while they tried to protect their own interests were not unjust to the interests of the tenants as well.

\* \* \* \* \*  
64. Would you tell me this. Is the membership of the British Indian Association principally Hindu, or does it include Muhammadans as well as Hindus?—There is no bar, but at the present moment they are almost all Hindus. I may inform you that just a few years ago there were many Muhammadans who were members of the British Indian Association, big Muhammadan zamindars were members of that Association, but unfortunately the Muhammadan membership is now practically nil.

65. That means that some Muhammadan members have resigned?—Yes, they have ceased to be members now.

\* \* \* \* \*  
67. \* \* \* I notice on page 36 a statement about communal representation. You say, I see: "We are against the introduction of the system of communal representation in the local bodies or its continuance in the legislatures except in the case of Europeans," and then a little lower down you say: "We do not propose to repeat the arguments against the system of communal representation." I am very glad, because we have heard a great deal about the arguments both against it and in its favour, and we are familiar, I think, with both sets of arguments, but you go on to say: "This is a suggestion"—that is to say, the suggestion that you should not have communal representation—which has been almost universally advocated by the leaders of Indian public opinion, both Hindu and Muhammadan." Do you think, on reflection, it would be quite right to say that the view that you should abolish communal representation is almost universally advocated by leaders of Muhammadan opinion?—No; I have also added a clause there, "both Hindu and Muhammadan, a very influential section of the latter community also has accepted it as a part of political expediency." I do not say that a very influential section of the Muhammadans have accepted it universally.

68. I see; I did not quite understand the sentence.



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[Continued.]

There is, as a matter of fact, a good deal of difference of view, I quite agree. However, do not let us go into that now. I have asked all I want to understand about your franchise proposals. I follow what the 600 major zamindars, you think, ought to have in the legislative council. Then I understand you also propose a Second Chamber?—Yes, sir, I do.

69. And what would be the contribution which the larger zamindars would make to the Second Chamber?—What would be the number of seats we require?

70. Yes?—Our proposal is that the Second Chamber should consist of fifty members, of whom five seats ought to be given to the landholders.

71. Which page is that?—We have not mentioned that in the memorandum.

72. Are the fifty members of the Second Chamber, according to your suggestion, to be all elected or any of them to be nominated?—No; 20 nominated and 30 elected.

73. Then you are speaking of the 30 who are elected?—Yes.

74. And you think that 5 of them should be elected by the greater zamindars?—Yes. My suggestion is, if I may be permitted to explain it—

75. Certainly.—Five should go to the landholders, 5 to the district boards of Bengal of the five divisions, 5 to the municipalities of the five divisions, 2 to the Corporation of Calcutta, 2 to the University of Calcutta, 1 to the University of Dacca, 5 to a commercial interest, both Indian and European, 2 to the income-tax payers of Eastern and Western Bengal, one from each, and 2 gentlemen to be elected by voters, such as ex-members of the legislative council, Fellows of the Senate of Calcutta, and by others who will be electors on personal grounds, e.g. holders of distinctions.

76. That is adding to our knowledge, because I do not think those details are in your memorandum?—No. We avoided that.

77. Now, is there anything further which you or the Maharaja of Darbhanga or the Maharaja Tagore would like to say before the others put questions?—We want to speak very generally about the Meston award. We have mentioned that in our memorandum. Bengal has been very hard hit on account of this financial settlement, and we plead that at least a portion of the jute duty, or the customs duty, or of the income-tax should come to Bengal to give us relief, because we are of opinion, and it has been admitted, I think, by all political parties that the Reforms in Bengal have failed largely on account of financial difficulties, and Bengal's contribution to the Imperial exchequer is about 24 crores, 37 lakhs.

78. Are you referring now to income-tax?—No, the total contribution of Bengal to the Imperial exchequer.

79. The main contribution would be income-tax?—Yes.

80. But the zamindars do not pay any of it?—Not the zamindars. But the financial situation affects the zamindars as well as others. (Maharaja of Darbhanga) The zamindars pay cess. (Mr. Singhroy) And that contribution to the exchequer includes, of course, jute duty.

81. The cess is a local thing, of course?—Yes.

82. We quite recognise, of course, that they pay that.—And jute is, of course, Bengal's monopoly, and it is a direct contribution of the agriculturists whom we hope we represent indirectly.

83. I suppose really there is no doubt about it, that the cultivation of jute has greatly increased the value of a great deal of the land of the zamindars?—It has.

84. I mentioned some figures about Mymensingh just now. I will just put them as I understand them to be. I understand that the total revenue paid by the zamindars in Mymensingh district, for example, is 7-6 lakhs of rupees, say £60,000 sterling; that the sum that is received by the Mymensingh

district in payment for jute varies between £7,000,000 and £5,000,000, no doubt according to the differences of the prices of jute. Now, a very large part of the money recovered for the jute thus sold goes in repaying the labour or intermediate expenses or the middlemen, and all the rest of it, and only the residue, no doubt, of that profit reaches the zamindars; but still, it must be the case, I think, that there is an enormous increase in the value of land held by zamindars since 1793?—No, unfortunately practically no portion of this income goes to the zamindars, because the zamindars have not been able to increase the rent much. Of course, the rent roll of Bengal has increased largely, but the increased rent is intercepted by a large number of tenure-holders, who come in between the zamindar and the cultivator.

85. And it is agreed that none of that large class of tenure-holders pays any provincial tax to the Government at all?—No. The number of tenure-holders at the present moment, I think, in Bengal is about 40 lakhs.

86. The Chairman: That explains a good deal the difficulties of Bengal, does not it?

The Maharaja of Darbhanga: I should like to say this. I am in favour of a Second Chamber in Bengal \* \* \* (The Maharaja then read a statement which was largely inaudible, and which it was said would be sent to the secretaries. He was, however, unable to supply a copy).

87. Your suggestion is, is it, that a Second Chamber, acting, I suppose one might say, as a revising Chamber, would in some cases take the place of the Governor in rejecting legislation which had been passed by the Lower House, the council?—Yes.

88. That is your idea?—Yes.

89. Lord Burnham: I wish to put a question on the financial side of this interesting memorandum. We have heard a good deal, of course, of the necessity for revising what is known as the Meston Settlement, but a revision which is only a re-distribution of existing revenue would not add to the resources of any of the provinces or of the Central Government for any of the purposes of administration. If it be true that more money is required for what are called nation-building services—and I am thinking especially of education—then either fresh sources of revenue must be found or there must be an augmentation of existing sources. The question I want to put to this delegation is how they would view the inclusion of revenue from agricultural land and its assessment to income-tax—whether they would consider that a fair and equitable thing if more money is to be spent on the services which are meant for the improvement and welfare of the people. May I ask how you would view that?—(Mr. Singhroy) We do not approve of that idea, because we feel that agriculture is paying a very large amount as land revenue and the people who are assessed to income-tax do not pay land revenue or anything like that. Land revenue is not a very light burden on us, and we do not approve of the idea of the imposition of income-tax on agriculture.

Lord Burnham: I am far from saying there are exact parallels between England and India, but of course the landowner at Home, as I know to my cost, not only pays land-tax but is assessed at an unduly high rate both for income-tax and super-tax, and therefore at Home the landowner does pay and pays through the nose.

Sir Hari Singh Gour: Landholders in India pay super-tax, but not income-tax. If their income exceeds Rs.50,000 they pay super-tax.

Lord Burnham: That is roughly £3,750 a year.

Mr. Fazl-ul-Huq: But they do not pay super-tax.

90. The Chairman: I understand very well, of course, that a gentleman who is a large landowner but who has investments and other sources of income may pay super-tax in respect of his non-agricultural income, but is the position this (it may be so, but I had not quite understood it), that if a man gets the



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whole of his income owing to the fact he is a zamindar owning land, if he gets over a certain amount he pays super-tax on it?

*Sir Hari Singh Gour:* So I understand.

*Mr. Fazl-ul-Hug:* No.

*Maharaja Shashi Kanta:* A landlord pays income-tax and super-tax for fisheries, forests, and so on which are situated on his land.

*The Chairman:* Of course he does. We were not talking about that; we were talking about whether or not a landowner, in respect of the ownership of land, pays super-tax if he receives beyond a certain amount.

*Lord Burnham:* I used the word "agricultural." I merely wanted an opinion from the deputation, because it is obvious new sources of revenue will have to be found or old sources augmented; I imagine it is no good talking of the revision of the Meston Settlement unless those new sources can be captured. That is my difficulty.

*91. Mr. Hartshorn:* I should like to ask a question in regard to what you say on page 37. I notice you say there: "We are, therefore, in favour of full provincial autonomy in all the departments including that of Law and Order. Unless this department is transferred to the ministers, provincial autonomy will fail to secure full popular support and co-operation and exclusion of popular control from this department will amount to another experiment in a limited form of dyarchy, with all its defects and risks. Transference of control over this department from the provincial to the Central Government as has been suggested by some political thinkers may tell upon the efficiency and prestige of the provincial Government and will fail to secure popular satisfaction. The popular mind will not make any distinction between an action of the Central Government and their agents in the provinces. The people will naturally resent any measure of the Government which they do not approve by retaliating on the ministers over whom they will have constitutional control. Moreover in order to foster a sense of administrative responsibility which cannot be separated from constitutional concessions, it is highly desirable that the department of Law and Order should be placed under a minister responsible to an elected legislature." That is a definite and emphatic statement coming from your Association as to the views you hold on that subject. I should like to know whether the views expressed in the paragraph I have read out have been submitted to the membership of your Association and whether you have ascertained from your members that they are all in agreement with them?—(*Mr. Singhroy*) The whole thing was approved by the executive committee of the Association, and they went through it very carefully, and then it was submitted to you.

*92.* Then we are entitled to take it that the big landholders of Bengal are all out for having Law and Order transferred to a responsible minister?—Yes, for complete provincial autonomy.

*93.* Do you think it at all necessary that any safeguards should be introduced if provincial autonomy is made complete and this subject is transferred?—(*Sir P. C. Tagore*) Yes. (*Mr. Singhroy*) Our suggestion pre-supposes a joint electorate. Communal representation would be abolished, and there would be a joint electorate with reservation of seats. If that is done, we do not think there will be any difficulty if the department of Law and Order is transferred, because in that case the minister, whether a Hindu or a Muhammadan, will enjoy the equal confidence of the whole body of the electorate and of the country, indirectly.

*94.* You think it is necessary, in order to carry this into effect, to have joint electorates?—Yes.

*95.* And reservation of seats?—Reservation of seats only in the interests of the minority communities. It may be necessary.

*96.* Have you considered to what extent you

would reserve seats for Muhammadans?—We have stated that.

*97. Maulvi Abul Kasem:* They are not a minority.—We have accepted property as the basis of the franchise, as it is at present, and according to the voting strength of each community there should be reservation of seats.

*98. Mr. Hartshorn:* Are we to understand that if communal electorates are still retained you would not then advocate the transference of Law and Order?—In case of communal riots and other things the minister in charge of the department of Law and Order might not enjoy the same confidence of both communities. If he is a Hindu, elected by a purely Hindu electorate, he might not enjoy the confidence of the Muhammadan community to the extent he would do if he had been elected also by Muhammadans and vice versa.

*99.* Yes, but I want to know this. Would you change your recommendation in relation to provincial autonomy if communal electorates are still continued?—I would not change it, but there may be some practical difficulty. I would rather take the risk.

*100.* You would take the risk, even with communal representation?—Yes.

*101. Colonel Lane-Fox:* You said it was not possible for the original zamindar, the zamindar at the top, to raise his rents?—It is not exactly impossible. There is a provision in the Bengal Tenancy Act, which is the land law of the province, but, as a matter of fact, in very few cases have the zamindars increased the rents.

*102.* What is the security of the first tenure-holder? Can he be turned out at will, or has he a tenancy for life, or what?—He becomes an occupancy *ryot* and cannot be turned out from his land so long as he pays his rent regularly.

*103.* He has absolute security so long as he pays his rent?—Yes.

*104.* Is what has happened this, that the land has paid better owing to the growth of the jute trade, and as the land has become more valuable so there has been more sub-letting, because the land would fetch more rent, and the profit has gone to the ultimate cultivator and not affected the zamindar at the top?—Yes.

*105. The Chairman:* But is that quite right? You spoke of the Tenancy Act. I thought the Bengal Tenancy Act was an Act which permitted the raising of the rent charge by the zamindar by 2 annas in the rupee in fifteen years?—Yes, there is such a provision.

*106.* And it is a provision which has been applied, has it not?—There is such a provision, but in very few cases can the zamindars avail themselves of that opportunity in actual practice, enhancement of rent means endless litigation, which renders the enhancement uneconomic and practically impossible.

*107. Colonel Lane-Fox:* Then actually what is happening is that the profits of the jute trade go to the sub-lessee, and the people between him and the zamindar are the people who get the profits, because they have been able to sub-let more as the land has increased in value?—Yes.

*108.* And therefore the increase in the value of land has been the cause of the increase in the number of sub-lettings?—Yes, that is my submission. The profit goes not to the zamindar, but to the middleman.

*109. Major Atlee:* I notice you support the general position taken up by most people in Bengal, that you have been very hard hit by the Meston Settlement?—Yes.

*110.* And what you demand is practically that the rest of India should pay more and you should pay rather less to the Central Government?—No, not exactly that.

*111.* It is much to that effect, is it not?—I think Bengal's contribution to the Central Government is the highest. We pay 45 per cent. of the total income, whereas the United Provinces pay only

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1-6; Madras, 9-6; Bihar only 0-7; the Punjab, 1-5; Bombay, 4; C.P., 1; Assam only 0-6.

112. *Sir Hari Singh Gour*: Bombay what?—Bombay 4 per cent.

113. *Major Atlee*: Percentage of what?—I beg your pardon; Bombay 40 per cent.

114. But in effect your financial position is largely caused by the fact that your land revenue is very low under the permanent settlement?—No, we do not admit that, because though our land revenue is low, our contribution by way of income-tax and customs duty is the highest.

115. Yes, but if you were in the same land revenue position as other provinces, you would not be in such a bad condition, would you?—But the income-tax and the customs duty also come from the people of this province, and when we consider the question of the provincial revenue we do not consider the case of the zamindar separately, because the zamindars are as much affected by the insufficient income of the provincial Government as the income-tax payers and those who contribute to the customs duty.

116. Yes; but apart from customs duty altogether, if you had not had this permanent settlement your land revenue would be much higher than it is to-day, would it not?—That is certainly so; we cannot deny that. That I have got to admit.

117. But what it means in effect, does it not, is that you ask the rest of India to contribute in order that you may keep up this body of 40 lakhs of tenure-holders?—No, what we suggest is this, that a proportion of our revenue, which is admittedly the highest, and much higher than is paid by any other province, ought to be transferred to us, because jute duty is a monopoly of Bengal, and so is tea. A portion of this may be given to us; that is what we ask for.

118. Yes, but of course each province might put up its own speciality; but the real condition of Bengal is that you are keeping an enormous body of people who are neither landlords nor workers on the land, but mere tenure-holders drawing money for doing nothing?—Yes, if you think so, I cannot say anything against that.

119. Is it reasonable to ask the rest of India to continue to keep these people at their expense?—These tenure-holders have come into existence because of the Permanent Settlement. The British Government made this settlement for their own benefit. So the situation is not of our choice.

*The Chairman*: You must not suppose, when we put these questions, we are not alive to that. We are not in the least suggesting that what happened in 1793 is not very important; it may even be a governing factor, but still, one has to investigate the thing quite fearlessly, and I am sure you will be the first to agree that we should.

*Lord Burnham*: It was not fair then.

120. *Major Atlee*: But is it not reasonable that the landholders who have profited by this for all these years should make their contribution? Would you suggest that the tenure-holders should pay some taxation?—The individual income of tenure-holders is not very high, because, as I pointed out, the 14 crores of rent-roll of Bengal is divided between 40 lakhs of tenure-holders, so each person has not a very large profit left to him.

121. Nor has the ryot, but he pays land revenue?—The total of the rent-roll may look very high, but you have to take into account the fact that it is intercepted by a very large number of people, as much as 40 lakhs. (*Mr. Mukherjee*). For your information, may I say that there is one kind of tenure-holder who makes no contribution to revenue. They are free tenure-holders. There are certain lands given free of revenue or rents. Those are the holders who only pay cess, that is a local contribution. They cannot be taxed by way of income-tax.

122. *Sir Hari Singh Gour*: What is the percentage of the lakhraj tenure-holders in Bengal?—It is very difficult to say, but there are a large number.

123. *The Chairman*: The tenure-holders you speak

of, who admittedly do not pay any tax to the provincial revenue, but bear a proportion of the local cess—bear it, I understand, in accordance with an elaborate arrangement which we had described to us yesterday, by which the cess, as it were, is passed up or halved as it passes up the string. They bear a proportion of the cess economically by arrangements which were described to us yesterday, but it is perfectly clear, is it not, that the intermediate tenure-holder, the man who is neither the zamindar at the top nor the cultivator at the bottom, makes no contribution at all to provincial revenues, in respect of his profit as intermediate holder? That is correct, is it not?—Yes.

124. *Mr. Cadogan*: One question on the institution of the Second Chamber, which is dealt with, I think, at page 37 of your Memorandum, in its relation to the position and powers of the Governor. You say on page 37 that "with the introduction and development of real self-government it should be the aim to make him the constitutional head, free as far as possible from all executive responsibilities." What I want to make quite clear is, do you intend to sweep away all of what are known as the safeguards which reside in the Governor, such, for instance, as his power under section 72E, to pass any Act when the legislative council refuses or fails to pass? Do you wish to make him entirely a figure-head, and to rely entirely on your Second Chamber?—(*Mr. Singhroy*) No, I do not want to make him entirely a figure-head; it may be necessary still to continue some of the safeguards, but they may be minimised; they may be reduced to a minimum. (*Mr. Mukherjee*) My submission on that point is that the position of the Governor must be strengthened. If Law and Order is to be completely transferred, Law and Order must be under his personal charge.

*Mr. Cadogan*: That is a very big reservation. You do not say it here, but of course it is a very big reservation.

125. *The Chairman*: Let us follow Mr. Mukherjee's view, because I am interested in it. \* \* \* My Association has one view, but my personal view is different, if I may be permitted to express it here.

126. Yes, I understand it is personal.—Yes. May I state it, with the permission of the Chair?

127. I shall be very glad if you will?—In the Memorandum we have submitted some form of constitution which we have developed as an organic growth; that is, the joint electorate, Second Chamber, and transfer of Law and Order. If one part of the body is to be disturbed in any way, then certain provisions have to be made in some other way. I may differ, even if the joint electorate is being established and full provincial autonomy is being given, I beg most respectfully to differ from the Memorandum submitted by my Association in this respect. Except Law and Order, the whole of the subjects under the provincial Government may be transferred, and the Governor, under his personal supervision or under the supervision of a member of the council appointed by him, should administer this department for five years, so that the local council, both Chambers or single Chamber, will be in a position to see, and the Government of the province will be in a position to recommend then how this system works. I think that this particular subject of Law and Order should be at present a reserved one. This is my personal submission.

*The Chairman*: Very well, that is a personal view. Thank you very much.

\* \* \* \* \*

131. *Lord Strathcona*: What do you mean precisely when you say in the paragraph on communal representation, "But to safeguard the interest of minority communities seats may be earmarked"?—(*Mr. Singhroy*): Reservation of seats; that is what we mean.

\* \* \* \* \*

142. *Mr. Fazl-ul-Hug*: Since when have Muhammadans ceased to be members of the British Indian

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power of which will be X to-day?—But the difficulty is it was a contract—an irrevocable contract. You gave me to understand that it will be a contract and I invested my money and so did the holders of subordinate interests. If you now come forward and say that it is a revocable contract, it will be hard on us.

222. *Lord Burnham*: May I know, for my own information, whether rent is always paid in currency or it is sometimes paid in produce?—It is paid in currency in most cases, but in a few cases it is paid in kind as well.

223. *Sir Hari Singh Gour*: With regard to transfer of Law and Order you have stated that in case there are no joint electorates and separate electorates are to continue, Law and Order should not be transferred. But do you agree with the memorandum which says on page 36 "There is a consensus of opinion in favour of the abolition of diarchy"?—(*Mr. Mukherjee*) Considering the manner in which it is worked we want that it should be abolished.

224. Do you agree with the view expressed here?—I do not agree fully with that view.

225. You agree in a large measure?—Yes.

226. Having agreed in a large measure with the view that diarchy must be abolished, are you not perpetuating diarchy by asking that Law and Order should not be transferred?—From my experience of this province I am in favour of that.

227. I know you speak only for this province and this is your considered opinion, what is written on pages 36 and 37. The statement here is that you are in favour of the abolition of diarchy. But again you say that Law and Order should not be transferred. Is it not a contradiction?—I have already stated that that is my personal view on the matter.

228. Your personal view is, *Mr. Mukherjee*, that diarchy should go?—To a certain extent and not wholly. That is with the exception of Law and Order.

229. That is diarchy?—If that is the meaning, then I am in favour of it.

230. As regards separate electorates have you got any alternative to offer to the separate electorate scheme on the one side and joint electorate scheme?—If I may be permitted to state my personal view, I may say that I have read the scheme published in the papers under the name, *Sir Hari Singh Gour*, and I agree with one of them.

231. *Dr. Suhrawardy*: *Mr. Singhroy*, in reply to *Sir Hari Singh Gour*, I think you stated that if communal representation is continued for a few years more, it will be difficult to get rid of it later on?—(*Mr. Singhroy*) Yes. As conservative people we are anxious to cling to one thing when once it is given to us.

232. You apprehend that it will be as difficult as the abolition of the permanent settlement?—Certainly not. The permanent settlement is a promise based upon law. The law is with the zamindars.

233. We hold that communal representation also is based on a promise given first by *Lord Minto*, later on by *Lord Morley* and also repeated subsequently?—It is not a irrevocable covenant.

234. *Mr. Fazl-ul-Huq* had put it to you whether you know some ancient history with reference to communal electorates; in reply you said that you might have been a school boy and therefore you are not aware of that?—I might not be aware of the details, but I am aware of the general history.

235. May I put to you a few facts which took place after the attainment of your political majority, namely since 1921, after the Montagu-Chelmsford reforms? Is it not a fact that a very influential section of the Hindu community accepted the principle of communal electorate as a political expediency? May I refresh your memory by saying—both of us were members of the Bengal Legislative Council then—that in 1923 *Sir Surendranath Banerjee* for the first time in the history of Bengal introduced the principle of communal

electorate so far as the Calcutta Corporation was concerned? Is that not a fact?—Yes, he did so in the teeth of the opposition and simply because he wanted to get through the Calcutta Municipal Bill.

236. As I said, as a political expediency?—Yes.

237. And he was supported by you and other Hindu representatives of the landholders and the only Muhammadan who opposed it was myself?—No. I never supported him. In fact I opposed and spoke against the proposal.

238. In the division list?—You and I went into the same lobby, and I am still of the same opinion.

239. May I remind you of the fact that the late *Mr. C. R. Das*, one of the most powerful political leaders of Bengal, also entered into a pact called the Bengal pact, in which he proposed to extend the system of separate electorate to all the municipalities in Bengal which are 116 in number?—He did so.

240. So you agree with him, as a matter of political expediency?—If I may be permitted to explain, he wanted to combine the country against the Government and that was the expediency he adopted.

241. You seem to be or your Association seems to be in favour of the transfer of Law and Order to popular control. Is it not a fact that during the Calcutta riot a very able and experienced Hindu deputy commissioner of police in charge of the North Division of the city was superseded by your Government and a European junior police officer was appointed in his place?—Yes, that is a fact; but we are told that he was transferred or rather superseded most unjustly.

242. May be; but I am simply bringing that fact to your notice and pointing out to you the danger of transfer?—He was sacrificed, if I can give my opinion, to the whims and influence of communal leaders.

243. Moslem communal leaders?—Yes and to the caprice of the Government.

244. Do you not think that when Law and Order is transferred to popular control and there is a big majority in the legislature, it will be difficult for the minister to resist the pressure brought to bear to sacrifice men of the type whose name I do not wish to mention now?—As I said, my whole scheme proceeds on the basis that the communal electorates are abolished. A Hindu minister elected by joint electorates of Hindus and Muhammadans or a Muhammadan minister elected by the joint electorates will have nothing to fear from the influence of communal leaders.

245. Is it not a fact that in the Calcutta Corporation the Hindu members form a majority with only a handful of Muhammadans?—Yes.

246. I may just refresh your memory to what is called the *Pir burial* question regarding the burial of a Muhammadan *fakir* in the heart of the Calcutta municipal market?—I vehemently opposed it.

247. Is it not a fact that at that time *Mr. C. R. Das* was the Mayor of Calcutta and *Mr. S. C. Bose* the executive officer?—Yes, but *Mr. Bose* was then ill and he was not actually looking into the affairs then.

248. But he got well very quickly just as he got well after his release. As I said the *Pir* now rests in peace there; and all your efforts combined have not resulted in removing that *Pir* from there?—I do not understand the implication of the question.

249. The implication is that powerful Hindu leaders like *Mr. C. R. Das* or powerful Hindu leaders like *Subash Chandra Bose*, because they were subject to popular control, yielded to the minority, namely 15 Muhammadans in a House of 80 or 90 members. They dared not prevent the burial of that *Pir* and after that they dared not remove it from there in spite of all your resolutions. I am only simply bringing to your mind the danger of the transfer of Law and Order to popular control?—I do not think that the Corporation of Calcutta was incapable of giving effect to that resolution; but it was shelved most willingly.

250. Later on *Mr. Subash Chandra Bose* was the

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executive officer, and there was a Swarajist majority with Mr. Sen Gupta as the Mayor?—The Swarajist majority wanted to have control over the Corporation and there was a vigilant opposition of which I was a humble member, and of course Mr. C. R. Das wanted to have the Muhammadans with him.

251. That is exactly my point, that political reasons and considerations influence the decision of the minister in charge Law and Order?—My answer to that is that if the Muhammadan members of the Calcutta Corporation had been elected by joint electorate that would not have been the case.

252. It would not have changed their general opinion?—In that case the opinion of the Hindu electors also would have been taken into consideration.

253. On page 36 you say, "We beg to suggest the abolition of communal representation, but to safeguard the interest of minority communities seats may be earmarked." Among the minority communities do you include the Muhammadan community?—Muhammadan as well as Hindu.

254. From the point of view of population we may form a majority. But under your scheme of enfranchising the people, with certain property qualifications and other qualifications you have suggested, the Muhammadans will really be in a minority?—If they are in a minority it will apply.

255. You have suggested the transfer of Goalpara

to Bengal: Has your Association considered the alternative suggestion of the transfer of Chittagong division to Assam or of the transfer of the whole of Eastern Bengal to Assam? Have you got any view on the subject?—I cannot give any opinion on that question because we never thought of the transfer of the whole of Eastern Bengal to Assam, neither of Chittagong. You know the feeling of the Hindu population at least. It will be another partition of Bengal.

*The Chairman:* Gentlemen, let me thank you on behalf of the Conference for attending here to-day, and helping us so kindly and fairly with the answers which you have given. I would like to assure you before we break up that every member of the Conference appreciates the great importance and the great influence which is exercised in Bengal by the large zamindars whom your Association represents. I would like further to say that we all appreciate that one of the complications about the situation which affects the finances of Bengal is really an inheritance from the past, the permanent settlement, and we are not holding anybody to blame in this generation because of some of the complications that thereby have arisen, but we must understand the position, and you may be quite sure that we shall consider very carefully what you have said to us. We are very much obliged to you.

## Memorandum submitted by the National Central Muhammadan Association.

The Central National Muhammedan Association, the oldest Moslem Political organisation in India, founded over half a century ago by the Right Honourable Syed Ameer Ali, P.C., for the furtherance of all legitimate and constitutional means of the well-being of the Moslems in India and of Indians generally, welcomes this opportunity of placing its views before the Royal Statutory Commission in respect of the Questions relating to the Reforms in India.

We desire to make a preliminary observation in order to clear up our position. Moslem confidence in the fairness and firmness of British administrators was greatly shaken by the annulment of the Partition of Bengal for which Moslems in Eastern Bengal, headed by the late Nawab Bahadur of Dacca, Sir Salimullah, made great sacrifices, and has been recently further shaken by the sad tragedy enacted at Kulkati in the Barisal District, where Moslem rustics gathered together in and about the mosque court yard were mercilessly shot down, for the offence of brandishing their lathis and spears, under the direction of a British officer. The Moslems have not failed to take note of the contrast in the conduct of British authorities who took no similar drastic action when educated Hindu rowdies in College Square assaulted the Commissioner of Police and the Principal of the Presidency College. It was probably owing to accumulation of these causes and similar incidents that Moslems in some places have joined the Swarajist Hindus in boycotting the Commission. The Central National Muhammadan Association, however, has extended to it its welcome in accordance with its traditional policy, in the hope and trust that the Commission will deal fairly and equitably with Moslem claims and rights. Whether their hope and trust is justified or not, the outcome of the labours of the Commission can alone show.

India is not a country but a Continent, peopled by diverse communities and races who differ from each other in religion, race, language, social usages, cultural influence, historic traditions and heritages, in ideals and outlook on life. The contrast between the Hindu and Moslem communities is painted thus by Lord Dufferin: "But perhaps the most patent characteristic of the Indian cosmos is its division into two mighty political communities as distant from each other as the poles asunder in their religious faith, their historical antecedents, their social organisation, and their natural aptitudes; on the one hand, the Hindus numbering 190 millions, with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste-distinctions, and their habits of submission to successive conquerors . . . ; on the other hand, Muhammadans, a nation of fifty millions, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality and their remembrance of the days when, enthroned in Delhi, they reigned supreme from the Himalayas to Cape Comorin, &c., &c." Subsequently in 1916, the Royal Public Services Commission endorsed the above view in the following pregnant words: "Even amongst the educated, the conflicting traditions of Hindus and Muhammadans are still constantly reflected in their respective attitude towards social and political questions of the first order . . . Nor does religion constitute the only line of cleavage" (p. 70). Religion in the East means a great deal more than in the West, it is still an active force in the everyday life of an Indian, be he a Hindu or a Moslem. Social cleavages between followers of the different religious systems are therefore more marked in India and in the East generally than in the West, with the result that not only in the domains of religion but also of education, politics and civil life differences and conflicts of interests arise, and often lead to collisions and riots. The presence of the British element in India is the

only safeguard against such conflicts and collisions under the existing condition of things. When these conditions will cease, it would be rash for us to prophesy. We cannot pretend to be optimistic in view of the recent communal explosions and riots, disfigured in some cases by unprecedented brutalities, and also in view of the historic fact that the great Moghul Emperor Akbar's dream of unifying the Hindu and Moslem races in the sixteenth century by inter-marriages, by the pursuit of a common culture and even by the adoption of one uniform State religion in substitution for Hindu and Moslem conflicting faiths turned out in the end a dismal failure. However, we are to deal with the conditions of Indian life as they stand now, and he who runs can read and realise them. The blood-stained riots in Calcutta and Dacca, Bhagalpur, Lucknow, Delhi, Lahore, Jabbalpur, Nagpur, Indore, Kohat, Karachi, etc., between Hindus and Moslems since the inauguration of the Reforms, arising some times, from trifling causes, tell their own tale and need no development at our hands. It is unfortunate, but there it is. Again, since the inauguration of the Reforms the zeal shown by Hindu militant politicians in propagating the Sudhi and Sangathan movements, and the retaliatory measures adopted by some Moslem leaders in propagating the Tanzeem movement, would convince every honest searcher for truth that Indian Nationalism means in its essence camouflaged communalism, with the latent ambition to the political hegemony of India. Both talk of united India and Indianisation in order to wrest some common privileges and rights from the British, and after having achieved their object each tries to appropriate the bulk of the booty, with the result that there are bloody intercommunal feuds. So long as the British controlled the political show in India, it did not matter either to the Hindus or Moslems if a few places more or less went to the one or to the other. But since the Reforms the feeling has grown in both the communities that the British are vacating the field, and therefore each community considers it a question of political life and death to occupy a bigger plot of the vacated field.

The Moslem position was well put before Lord Morley in 1909 by the Right Honourable Syed Ameer Ali, founder of this Association and President of the London Moslem League, in language which we endorse and quote here: "My Lord, whilst we welcome the reforms we welcome them in the conviction that in their practical application our status and interests will be kept in view. We do not wish and cannot consent to be placed in a disadvantageous position. We are anxious that whatever boons are conferred on, whatever political concessions are made to, the people of India, we should have our legitimate share in those concessions. We ask for nothing in derogation of the just rights of any other people. We seek no special privileges; we want only our legitimate share in political rights and political privileges, and nothing more. If, in the language of the Royal Message to the princes and peoples of India, new avenues are opened out for the participation of educated Indians in the government of the country, our people wish that their share should be kept in view. If new elements are to be introduced into any of the great departments of the State, we expect in fairness and justice that they should be equally balanced; and if any important departure is made in administrative policy, we want that the interests of the two great communities in India should be so co-ordinated that neither the one nor the other should be in a position to say its interests were sacrificed or subordinated to the interests of the other. The foundation of the British rule in India rests upon the conviction among the people that equal justice is the chief policy of the British Government in its dealings with the varied races of that continent. My Lord, I say it would

be an evil day for India if any class or any community comes to think that the interests of one community are in any way subordinated to the interests of the other."

We wish to stress a few more points relating to the Moslem position in India. It is said that the Muhammadans form a minority among the population of India. It is true that they do not equal in number the other great community which inhabits India, but they are seventy million homogenous souls, with common ideals, and by traditions of race and religion form a solid nationality, quite apart from all other people in India, with a separate historic heritage and with a different culture. Whilst on the other hand, the other large community is divided and sub-divided into caste and sub-caste, and includes many millions of the depressed classes, whose shadow is pollution to the caste Hindu. Again, there is no analogy in numbers or political importance between the Muhammadan minority and other minorities in India, such as the Sikhs or the Parsees, or the Marwaris. The Sikhs and the Marwaris are counted more or less as Hindus, whilst the Parsees are a handful of refugees from Persia.

As political issues often rest on a historic background, we venture to give a sketchy outline of the chequered political history of Indian Mussulmans under the British rule, in order to enable you to understand our aims and aspirations, and provide for our unimpeded self-development under any scheme of constitutional and administrative reforms that may be in contemplation. For this purpose we quote the language of this Association's Memorial to the Secretary of State in India, in 1917: "That your Memorialists beg to state that when the British East India Company acquired from the Moghul Sovereign, Emperor Shah Alam, the Dewani of the Eastern provinces of India, in spite of many vicissitudes of fortune, the Mussulmans throughout India held predominant position, and enjoyed wealth and political influence for many years; and under the treaty of 12th August, 1765, Muhammadans were entitled to some special consideration. The Nizam, Civil, Criminal and Executive administration was still their monopoly. Accordingly, for a series of years, the administration of the country was carried on on the lines of Moslem Sovereigns of India. Moslem judiciary was strictly maintained; Moslem functionaries civil, criminal, and in some cases revenue, were left undisturbed; Moslem court language—Persian, was kept up as before; Moslem laws were administered, and Moslem Omars (feudal lords) and Mansabdars (high officials), Aimadars and Lakhirajdars, who held rent-free grants from chiefs and sovereigns, enjoyed their former opulence and dignity, and contributed to the general welfare of the community. Even so far late as 1793, when Lord Cornwallis was sent out to India to correct the abuses which had crept in amongst the servants of the East India Company, and while in consequence he made the Permanent Settlement of Land Revenue of the Eastern Provinces, resulting in the creation of Hindu collectors of land revenue, Moslem political influence in India was slightly affected, but not materially injured, as would appear from the fact that the Civil Lists of Lord Cornwallis' time show 75% of Muhammadans in the service of the State. It was not until Lord William Bentinck's administration that the Muhammadan political and material decadence in India really commenced. In 1828, the Resumption proceedings were initiated, and conducted for eighteen years with a degree of harshness which has left behind a legacy of bitterness. Many ancient Moslem land-holding families were ruined, and the educational system of Moslems, which was entirely maintained on rent-free grants, received its death-blow. The scholastic classes of the Muhammadans emerged from the eighteen years of harrying absolutely ruined." The Resumption proceedings terminated in 1846, and since then the decline of the Muhammadans has proceeded with accelerated pace. Again, from the first establishment of Muhammadan

power in India up to 1837, Persian was the official language of those Governments including the British, which had acquired power from the last Muhammadan sovereigns of Delhi. In 1837, however, order was promulgated that office business would be conducted either in English or the provincial dialects. This order resulted in throwing out of employ a considerable body of the Mussulman officers. From this epoch the gradual impoverishment of the middle class amongst Muhammadans dates. The English-educated Hindus, trained for the most part in Missionary institutions, from which Muhammadans, naturally, stood aloof, then poured forth into every office, and completely edged the Mussulmans out year by year, until, what Sir William Hunter in his "Indian Mussulmans" pathetically describes came to pass, in 1872: "There is now scarcely a Government office in which a Muhammadan can hope for any post above the rank of porter, messenger, filler of inkpots, and mender of pens." It should be added that while these radical and drastic changes were introduced in the administrative policy of the country, rendering it virtually necessary for all aspirants of service to know the language of the British Government, no order was passed making English language compulsory. On the contrary, up to 1864, the Muhammadans were fed with the hope that their own classics were the *sine qua non* for Government employment, and for entering the profession of law. A year or two later, however, sudden changes were introduced upsetting the previous orders, and declaring that English alone should be the language in which examinations for Munsifships and Pleaderships would be held. With measures so introduced from time to time, the Moslems were put to complete disadvantage. Before they had quite awakened to the necessity of learning English, they were shut out from Government employment. Thenceforth their political influence dwindled, as would appear from the following. In 1871, the proportion of Muhammadan officials to Hindus was less than one-seventh; and, in 1880, the proportion fell below one-tenth. In view of the deplorable decadence that had set in amongst Indian Moslems and was proceeding with accelerated force, partly owing to operation of the measures set forth above, and partly owing to other causes which are historically incidental to the displacement of one ruling race by another, the Central National Muhammadan Association, in 1882, submitted a Memorial to His Excellency the Marquis of Ripon, the then Viceroy of India, setting forth Moslem grievances and claims, and urging the Government to adopt a more fair and liberal policy in its treatment of its loyal Indian Muhammadan subjects, in order to enable the latter to recover their proper and legitimate place amongst the Indian nationalities, as regards political influence, share in the State patronage, and share in educational facilities. It was reserved for his successor, Lord Dufferin, to deal with that Memorial, and accordingly the Government of India issued the Resolution of 5th July, 1885. Your Memorialists would invite your attention to paras. 16 and 22 of the above Resolution, which is regarded by Indian Moslems as a landmark in the history of their political struggles under British rule. Since the date of the publication of the Government of India's Resolution of 1885, the Mussulmans of India have been afforded increased facilities for acquiring English education, with the result that the number of Muhammadan graduates and undergraduates has been steadily increasing during the last forty years. They are, however, still handicapped by having been outstripped in the race of life by their Hindu compatriots, by many years. Moslem society in India is still in a period of transition, and needs fostering care by firm, sympathetic and impartial hands. Therefore, any violent or radical constitutional or administrative changes which do not provide ample safeguards for the effective protection of their political and religious rights, educational progress, legitimate share in State patronage, and for adequate

representation on Universities and local self-governing bodies, and on provincial and Imperial Legislative and Executive Councils, will assuredly lead to their absolute effacement as a distinct community. It may be that under the strong and welding influence of British rule, Muhammadans of India have several interests in common with their Hindu fellow-subjects, living as they do, under the same alien Government, and in the same country, and subject to the same laws. At the same time, it is beyond question that Indian Muhammadans historically, religiously, and in many cases ethnically, and in their social structure, constitute a distinct nationality, with distinct and sometimes conflicting additional interests of their own, in educational, social, and religious matters which are not shared by other Indian communities, and which are likely to get more and more accentuated as the pressure of alien domination is lessened or weakened. These have already suffered from the fact that they have not adequately been represented. Even in the provinces, such as the Punjab, Sindh, and Bengal, where Moslems constitute a distinct numerical majority, these special Moslem interests have been often treated as negligible factors, to the detriment of the Muhammadan community. Bearing in mind how Muhammadans are placed in the country, and how necessarily voting must take place by nationalities and creeds, your Memorialists apprehend that, without proper and definite safeguards for the protection of Moslem special interests, the introduction of representative institutions in this country in their entirety will imperil Moslem interests, and lead to the political extinction of Indian Mussulmans. In this connection, and as bearing on the point of Moslem distinct communal identity, your Memorialists would invite your attention to what His Excellency Lord Minto, in 1908, in reply to a deputation of Moslems of India, headed by His Highness the Aga Khan, said on that occasion: "The pith of your address, as I understand it, is a claim, that in any system of representation, whether it affects a Municipality, District Board, or a Legislative Council, in which it is proposed to introduce or to increase an electoral organisation, the Muhammadan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority, opposed to his own community, whom he would in no way represent; and you justly claim that your position should be estimated not merely on your numerical strength, but in respect to the political importance of the community and the service it has rendered to the Empire. I am entirely in accord with you. . . . I am as firmly convinced, as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement, regardless of the beliefs and traditions of the communities composing the population of this continent. The great mass of the people of India has no knowledge of representative institutions, and I agree with you, gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards, and that it is in that direction we must look for the gradual political education of the people. In the meantime, I can only say to you that the Muhammadan community may rest assured that their political rights and interests as a community will be safeguarded in any administrative reorganisation with which I am concerned, and that you and the people of India may rely upon the British Raj to respect, as it has been its pride to do, the religious beliefs and national traditions of the myriads composing the population of His Majesty's Indian Empire." Your Memorialists thankfully acknowledge that the above principle of communal identity of Moslems as a distinct community in India, with special additional interests of its own, has been embodied in the separate electorate granted to

Moslems under the Minto-Morley Reform Scheme, in matter of Moslem representation on the provincial and Imperial Legislative Councils. They regret, however, that the same principle has not yet been extended, as your Memorialists had reason to expect from Lord Minto's assurance to the Moslem deputation, to District Boards, Local Boards, Municipalities, Universities, Circle Union and Village Panchayets. These are the initial rungs in the electoral ladder of self-governing institutions; it is there that the people are trained in the rudiments of representative institutions and of political education; and it is there that the people have to deal with the everyday work of parochial, local, district and urban administration, in matters of citizenship, sanitation, education, and of roads, communication, and water supply, etc., etc. It is, therefore, absolutely necessary that the principle of separate representation which has been conceded to Moslems in respect of Provincial and Imperial Legislative Councils, should also be extended to the above self-governing urban and rural bodies, including the Universities. Your Memorialists would specially insist on the early extension of the principle of separate representation to the Universities, for on the spread of higher English education amongst Moslems, depends in a large measure, their future political and material salvation. Your Memorialists apprehend that even the extension of the principle of separate Moslem representation to each and all of the above self-governing bodies would not be enough, and would not by itself solve the difficulties of Moslems, unless the Moslems are adequately represented on these bodies, not only according to their numerical strength, but also according to their historical position, political importance, and contribution to the service and the defence of the Empire, and also unless for years to come an independent element (such as the British) is associated in the governance of these bodies, to hold the scales, even between the two great nationalities in India, and to assist them with trained advice and impartial co-operation.

To every word of our Memorial of 1917 as quoted above we emphatically adhere, as every word of it has been proved true by the actual working of the Reforms during the last seven or eight years. The Reforms have exhibited in their actual working not only absence of goodwill and co-operation between the two communities, wherever any question relating to the particular interest of one or the other community has come up before the Legislative Council (*vide* the debate, for instance, on the Calcutta Municipal Bill, in 1922-23) but have in many instances led to inter-communal strifes and bitterness. And but for the safeguard afforded to Moslems through their separate electorates and but for the support of the Non-partisan British, Moslem interests, rights and status would have more grievously suffered. Therefore, by actual bitter experience, we are justified in insisting upon the continuance of the safeguards for the protection of Moslem interests that we demanded in this Association's Memorial of 1917, and which we have re-demanded now. Without these safeguards, we are not only opposed to the extension of the Reforms, but to their continuance, for in such eventuality the net result would be the extinction of Moslem political existence and influence in India. In conformity with the facts and principles set forth in the foregoing paragraphs, we beg to submit the following suggestions for safeguarding Moslem interests in India, in any scheme of political reforms and administrative reconstruction that may be adumbrated by British statesmen, and finally adopted by the British Parliament for the future better governance of the Indian Empire.

(a) *Legislative Councils.*

1. Separate electorate for Moslems in all Councils on the population basis, subject to the limitation that the minority should have 40 per cent. of representation on all legislative bodies.

2. That no resolution or bill affecting the religious, social or educational interests of any community,



which is opposed by one-fourth of that community shall be proceeded with.

3. Provincial Legislatures should consist of three-fourths elected and one-fourth nominated members.

4. Non-official nominated members should be taken equally from the Hindus, Europeans, and Moslems.

5. Extension of Reforms to N. W. F. Province.

6. Sindh should be made into a separate province.

7. Abolition of special electorates such as the Indian National Chamber of Commerce, Bengal Mahajans Sabha, Land Holders' Electorate, the Universities, the Corporation of Calcutta, the Marwari Association, etc., save and except the European, Anglo-Indian, Labour and Depressed classes.

8. The strength of the legislatures in major provinces should be between 175 and 200 members.

(b and c) *Provincial and Imperial.*

Half of the members of the Cabinet, both Imperial and local, should be Indians, of which half should consist of Moslems.

(d) *Universities, Municipalities. District Boards. Local Boards, Circle Union. Village Panchayats.*

The same proportion between the Hindus and Moslems as in the case of elections and nomination to the legislative bodies, should be maintained, with the provision that the Vice-Chancellor of each University should be alternately a Hindu and a Mussulman.

*Public Service.*

The proportion of Muhammadan employees in each department of public service in each Province should be fixed and allotted on the same scale of proportion as Muhammadan members in the Provincial Legislative Councils. Commissions in the Army and the Navy should be allotted to Hindus and Muhammadans in proportion to their strength in the Army.

This is not a question of merely loaves and fishes, as some politicians from the nationalist camp would represent it, but it is a question of the power, prestige and political influence of a community and of its opportunity to serve its motherland, apart from the inherent right of each child to have a finger in the pie which his mother may prepare. Both the Hindus and Moslems are children of the same soil and, therefore, both are entitled to share in due proportion in the loaves and fishes which their common motherland can afford, subject only to the limitation that their digestive functions might not be deranged. To quote again from this Association's Memorial to the Secretary of State for India, in 1917: "It cannot be gainsaid that the political importance of a community depends, in no small measure, on the members of that community who constitute the personnel of the administration, and occupy places in the service of the State. By not having their legitimate and proper share therein, Moslems in India have not only suffered in prestige and influence, but also in actual power and affluence. Their virtual ostracism from various departments of the public service, which, during the last seventy years, have become close monopolies of their non-Moslem fellow-subjects, has led to the creation of further impediment in the way of their educational, material, and political progress, and is at present hampering their efforts to keep abreast of their non-Moslem fellow-subjects, and to assert their proper place in the body politic of India. While about seventy years ago, Mussulmans held predominant and commanding position in India, their legitimate claims to serve the State in all spheres, are now not only ignored, but systematically relegated to the background, owing to shuffling of cards in departmental offices, which are now more or less entirely manned by non-Moslems, and in which the departmental European heads are necessarily more or less in their hands and at their mercy. It is often put forward as an excuse that owing to their backward education, the Muhammadans do not get their legitimate shares in the services of the State.

This assertion, your Memorialists beg strongly, but respectfully to submit, is absolutely without foundation, as a close scrutiny of the qualifications of the personnel of each department would disclose, and is intended only to add insult to injury to a great and historic community. As a matter of fact, the claims of qualified Muhammadan candidates are often completely ignored and overridden by the shuffling of cards in the non-Moslem-manned departmental offices, and incompetent men from non-Moslem communities are preferred. When such has been their fate while Mussulmans have been under the aegis of British rule, they naturally view with misgivings and consternation the fate which will overtake them as regards their proportion in the personnel of the Administration and in the service of the State under Home Rule or Self-Government, when non-Moslem influence will, as things stand at present, necessarily be more predominant. Therefore, before Mussulmans can accept any Home Rule or Self-Government scheme, they respectfully claim that the British Government which undertook the administration of the Empire principally from Moslem hands, should allot and guarantee to the Moslems their proper and legitimate share in the personnel of the administration and in the public services. Your Memorialists would, therefore, humbly suggest that the proportion of Muhammadan employees in each department of public services in each province should be fixed and allotted on the same scale of proportion as Muhammadan members in the Provincial Legislative Councils. Commissions in the Army and the Navy should be allotted to Hindus and Muhammadans in proportion to their strength in the Army, and arrangements for their training should be duly made. Congress politicians vociferously shout for Indianisation, and flourish and trumpet about the formula, once uttered by a British statesman, that efficient alien government is worse than a Government of the people by the people for the people. But whilst displacing the efficient British administrators, they want to appropriate all places in the administration and the public services for themselves. They forget that the Moslems also constitute a large section of the Indian peoples, and that, therefore, it would not do to plant exclusively Hindu administrators and public servants (who are as much alien to the Moslems for all practical purposes as, and worse in some respects than, the British) over the heads of the Moslem people. They then try to confuse the issue by raising the cry of inefficiency against Moslems. We do not, for a moment, admit that the Mussulmans would prove less efficient than the Hindus as administrators or public servants, if equal opportunities were afforded to them, bearing in mind the fact that the Moslems are inheritors of administrative capacity and instinct for eight centuries in India before the British entered the field. Again, our reply to them is, "If you are so much enamoured of efficiency, admittedly the British are more efficient than you and, therefore, you are not entitled to raise the question of displacing them. In any case, you cannot have it both ways." Indianisation would be repugnant to the Moslems if it merely meant Hinduisation of the public service and administration, but Moslems would favour it if it meant a due proportion of Moslems as well as Hindus in the public service in the administration with an adequate British element to equipoise the two conflicting Indian elements. The Moslems are already smarting under the present system of administration, which is practically Hindu, with some British figure-heads, more or less impotent for good or evil, and they would not consent to any measure that would further consolidate or strengthen such an obnoxious system of administration in which they are not allotted their proper share. They realise that non-Moslem Indian administrators and public servants have contributed to their ruin—economic, political, educational, and that, therefore, it is absolutely necessary for the protection of their interests that the Moslem element should be effectively represented in the



administration and public services in the provinces, and in the Central Government in the same proportion as their representation in the provincial councils and the Central Legislature. If this is not done, they would have no hesitation to denounce Indianisation and would prefer to see no extension of the Reforms in any direction. They can submit to the tyranny of one who has the right of conquest probably on his side, but they refuse to submit to the tyranny of many who can lay no shadowy claim to such a right. The absence of the Moslem element in sufficient strength from the judiciary of the country is causing alarm among Moslems, who are fast losing their confidence in a non-Moslem-manned judiciary. This obvious wrong should be immediately redressed.

#### *Separate Moslem Electorate.*

It has suited a number of Congress politicians to assail the principle of separate Moslem communal electorate under the false pretext that it is causing communal dissensions in the country and standing in the way of the attainment of nationhood. On this subject we will quote again from this Association's opinion on the Montagu-Chelmsford Constitutional Reform Scheme submitted to the Government of Bengal in 1918: "That question was threshed out in all its bearings by eminent statesmen like Lord Morley and Lord Minto, and previously by Lord Dufferin and Lord Lansdowne, who decided, after meeting hostile criticism, that, having regard to the conditions of Society in India, it was absolutely necessary that the Muhammadans should have communal electorates with separate representation with due regard to their numerical strength and political importance, not only on Legislative Councils, but on all self-governing bodies. This decision proved wise and statesman-like, in that it protected the interests of Mussulman minorities in India, and in some measure quieted racial antipathies between Hindus and Mussulmans. It is clear, therefore, that the communal electorate for Moslems instead of being a hindrance in the growth of nationhood has, in some measure, eased the Hindu-Moslem situation. To disturb now the principle of the Moslem communal electorate, would result in disturbing the existing peaceful political truce between the two important communities by kindling afresh racial antagonism and bitterness which would wreck the working of any Reform Scheme. The authors of the scheme say Communal Electorate is opposed to the teaching of history. My Committee urge that it is not fair to borrow copy book theoretical maxims from western countries, where populations are homogenous, by reason of common religion, common sentiment and common language, and in many cases, of common race, and apply them wholesale to the people in India who are divided by lines of cleavage in all or most of these matters. The duty of the practical statesman is to face facts as they exist, to examine the soil as it is, and then to lay the foundation for any constitutional superstructure that they may contemplate. Historical and existing facts cannot be got rid of by theoretical constitutional maxims borrowed from the West, without endangering and bringing down the whole superstructure. The facts that Muhammadans form 70 millions in India, that they ruled over the country for seven centuries, before the British appeared on the scene, that they are distinct from the Hindus in religion, tradition, historic heritage, and in many cases in race, social usage, and in their general outlook on life and its ideals cannot be lightly ignored by any wise statesman. These considerations require that efficient safeguards for Moslem communal self-development should be provided by the State. My Committee do not at all subscribe to the contention of the authors of the scheme, that the communal electorate is either a hindrance to the growth of nationhood or leads to divided allegiance, and makes men think as partisans and not as citizens. Even in the most advanced countries of Europe, my Committee venture to think

such family or religious considerations are not absent in ordinary affairs of life, and even in the matters of voting or returning Members of Parliament. It is only when the State is threatened by any external danger or a national crisis that those narrower feelings are dominated and overborne by the higher sentiment of nationhood, and by the higher sense of duty to the State. A striking illustration of this contention of my Committee is furnished by the admittedly loyal attitude of Moslems in India in the present War. Although torn by various feelings, they have been stirred in the sense of duty to the State, when threatened by external danger, and given it the first place above all other considerations. This illustration ought to sufficiently explode the Reform Scheme authors' theory of divided allegiance. My Committee, therefore, most strongly insist that the communal electorate for Moslem with separate adequate representation in the ratios as suggested in this Association's Memorial of November last, should be retained intact and unqualified, and subject to no revision by Parliamentary commissions and irrespective of the consideration that the Moslem electors are in a majority in any Province. The Principle of Moslem communal electorate is based on solemn and repeated pledges by Viceroy and Secretaries of State for India, and has subsequently been affirmed by the national pledge of the Hindu nation to uphold those State pledges in any scheme of political reconstruction for India. To violate those pledges, whether State or National, would create distrust in the minds of the loyal Indian Moslem in regard to all solemn pledges in the future, that may be given by the State or the Hindu nation. My Committee insist upon Muhammadan communal electorate, even where Muhammadan electors are in majority in a province, because if the franchise is extended to agriculturists and labourers they realise that, as things stand at present in Bengal, they, being entirely beholden to the Hindu Mahajan, Hindu landlords or the Hindu lawyers, would not be able to exercise their vote independently, for returning Muhammadan members. When Primary Education will have been adequately provided by the State for the masses, when the Co-operative Credit System will have taken root, when sufficient time will have elapsed to train the Moslem electorate, such a contingency may possibly be avoided. But at present it is next to hopeless to expect that because the Muhammadan electors are in a majority they will necessarily be able to return Muhammadan Members." Therefore, separate electorate should not only be limited to Legislative Councils, but extended to all self-governing local bodies such as District Boards, Local Boards, Municipalities and other autonomous institutions like Universities, Port Trust, Improvement Trust, etc. It may not be out of place to add that Mr. Chintamani, a prominent Hindu politician, has admitted that separate electorate causes removal of friction between Hindus and Moslems. If, therefore, there have been frictions between the two communities, it is due to the non-extension, as yet, of separate electorate to all self-governing bodies where the every day problems of life such as sanitation, health, education are dealt with.

#### *Territorial Readjustment.*

If there be any territorial readjustment, we suggest that such readjustment should not be made to the prejudice of Moslems and to their conversion into minorities in Provinces where they form majorities at present. We may, however, suggest that Eastern Bengal, with Assam, may be reconstituted a separate province, as we believe that enlightened public opinion, both Hindu and Moslem in Eastern Bengal, would at present support such a separation. In that case, Western Bengal, with Orissa and Behar, could form a separate Province as before. In this Association's Memorial of 1917, with Secretary of State for India, we demanded extension of the reforms to the North-Western

Frontier Province, and the separation of Sindh from Bombay; and we repeat the same demand again. It has been asserted by responsible British statesmen that the reforms have been conferred on the people of India as a reward for their war services. If that be so, it is a curious irony of fate that martial races in the North-Western Frontier Province, who, amongst the Indian people, made the largest contribution of their life-blood for the success of the British in the Great War should not receive a share of the war boon, whilst the intelligentsia of India, who made the least of such contribution, should be its recipient. United Moslem opinion throughout all the Provinces has demanded extension of Reforms to the North-Western Frontier Province, but only the Congress Hindu politicians have opposed it. This is another object lesson which furnishes an acid test of the sincerity of their friendly professions for Moslems, and demonstrates their hollowness. As regards Sindh, there is nothing common historically, linguistically or ethnically or culturally between the Moslems of Sindh and the people of the Bombay Presidency, who are mostly Mahrattas.

We have recommended abolition of special electorates save and except in the case of European, Anglo-Indian, Labour, Ryots and Depressed classes. Landholders, Mahajans, Zamindars, possess influence and wealth, and can easily come through general electorate and need no special protection. The persons who represent the Universities and the Calcutta Corporation are educated men of influence, such as lawyers, doctors, etc., and they can easily come through general electorate, and at the same time protect the interest of the Universities and the Corporation. It is the poorer classes of labourers and agriculturists and ryots, and the depressed classes that need protection, and therefore we suggest that there should be special electorate for the labour classes and ryots, and depressed classes. The Hindu general electorate should be divided into depressed and non-depressed electorates. The old Moslem Aristocracy in Bengal has gradually disappeared from various causes, and Bengal Moslems, therefore, must rest their hopes for a future on the uplift, intellectual, moral, social and economic of the Bengal Moslem peasantry. Up to twenty-five years ago the Indian poor, the Indian peasant, the patient, humble, silent millions, the 80 per cent. who subsist by agriculture were apparently the principal concern of British rulers and administrators. On this point we will quote the eloquent language of a great Viceroy, Lord Curzon, who thus spoke on the eve of his departure from India: "It is the Indian poor, the Indian peasant, the patient, humble, silent millions, the eighty per cent. who subsist by agriculture, who know very little of policy, but who profit or suffer by their results, and whom our eyes, even the eyes of their own countrymen, too often forget, to whom I refer; he has been in the background of every policy for which I had been responsible, for every surplus of which I assisted in the disposition; we see him, not in the splendour and opulence, not in the squalor of great cities; he reads no newspapers, for as a rule he cannot read at all, he has no politics. But he is the bone and sinew of the country, and by the sweat of his brow the soil is tilled, from his labour comes one-fourth of the national income, he should be the first and final object of every Viceroy's regard."

Since, however, the inauguration of the Reforms, a silent change appears to have come over the spirit of the dream of British administration in India. The poor, the labourers, the agriculturists, the toiling millions, do not seem to occupy its attention as before. The wealthy mahajans, the rich landlords, and the intelligentsia seem to absorb its attention. The ryots and agriculturists, and the toiling millions in the rural areas of Bengal die yearly in shoals of cholera, malaria, and other preventible diseases for want of medicine, doctors, and for want of pure drinking water. They have no good roads for miles, and the natural waterways that nature had

provided for them are silting up, but little or no care is taken to remove the silt. Even the boon of free primary education is not extended to them. If they are oppressed by the Amlas of the big absentee landlords, who generally live in Calcutta, they often dare not, nowadays, to take their complaints to the local police or the local magistracy, for they find that big landlords are everywhere by the side of high officials, and fill in large numbers the Legislative Councils and the Cabinets. It may be added that, owing to the predominant influence of landlords and zamindars in the Reform Legislative Councils and in the Cabinet in Bengal, the Bengal Tenancy Bill, though often introduced in the Legislative Council for improving the status of ryots, has for one paltry reason or other been shelved. This has further deepened the impression that the zamindar's interest counts more now in the councils of the Government than the interest of the toiling ryots. Yet the toiling ryots and the millions of agriculturists of Bengal, in point of fact, are more intensely loyal to the British rule than the landlords and the intelligentsia. The ryots and agriculturists do not care for this or that constitutional form of Government; they only care for good harvest, good drinking water, plenty to eat, and for freedom from the exactions of unscrupulous Amlas of absentee landlords, Shylock-like mahajans, and from the wiles of crafty legal touts who pauperise them after each good harvest. It is for the Commission to see whether this silent reversal, since the Reforms of the old British policy as outlined by Lord Curzon, would in the long run be conducive to the stability of the British rule or to the happiness and contentment of its toiling masses. We suggest that no time should be lost in establishing special electorates for ryots and labourers for their return to the Legislatures, and for making their claims and grievances heard at first hand.

#### *Educational System and Educational Grants.*

It is strange that in the Province of Bengal, where the Muhammadans form the majority, the control of University education is practically entirely in Hindu hands, so far as the Calcutta University is concerned. We omit, for the present, reference to the Dacca University, which is a creation of recent date and whose influence is confined practically within the limits of the Dacca city. As regards the Calcutta University, it is planted in the Hindu quarter of Calcutta and its controlling heads are almost all Hindus. Moslems have little voice in its deliberations and have little or no share in its control. The result is that during the last thirty years a silent process of cultural transformation of Moslem minds in the direction of Hinduisation has taken place throughout Bengal. Whilst fifty years ago in most of the villages and hamlets of Bengal, Moslems could be found who were accomplished Persian and Arabic scholars and who, at social gatherings, could easily converse in Urdu or Hindustani and recite Persian poetry and quote authorities from the Q'ran and the Traditions, now there is a dearth of such men, and it would seem that the Islamic culture has been effectively banished from rural homes even amongst respectable Moslem families. In their places have sprung up Hinduised Moslem Pundits who can read and write Bengali and recite Sanskrit, but who can hardly converse in Urdu and are more or less innocent of Arabic or Persian culture. Such little Islamic culture as yet is left in Bengal is due to the existence of a few Madrasahs in Bengal. But the Calcutta University and the District Boards and Municipalities in Bengal have done their best quietly enough through their Hindu agencies during the last forty years, to discourage and extirpate Islamic culture from Bengal. Bengali language and literature is liberally encouraged, whilst every difficulty is placed in the acquisition of Arabic, Persian and Urdu languages in Zila schools and village schools and other aided schools in Bengal. The only solution for this difficulty is to be found in the establishment of a separate Moslem University in Calcutta and of

separate Moslem Zila schools, as there are separate Moslem Mukhtabs alongside Hindu Pathshala for primary education in the villages of Bengal, with separate Moslem educational Budget and separate Moslem Provincial and District Board educational grants based on the basis of their representation in the Legislative Councils. There should also be separate Moslem Boards for Secondary education amongst Moslems. And Moslem education should be a reserved subject, as this Association urged in its opinion on the Montagu-Chelmsford Reform, in 1918. We also endorse the following from this Association's Memorial, in 1917, to the Secretary of State for India :—" Provincial educational grants for Muhammadans in each Province should be on the same scale of proportion as that suggested above for the election of Muhammadan members in Provincial Legislative Councils. District Board and Municipal Educational grants should be allotted to Muhammadans according to their numerical strength in District Board and Municipal areas." We need not add that at present the bulk of educational fund goes to Hindu education, to the neglect of Moslem educational interest. Whilst the Presidency College practically for the benefit of the Hindus was established fifty years ago, at Government expense, in a Hindu quarter of Calcutta, Moslems were denied the benefit of a separate college in a Moslem quarter only until two or three years ago, whilst a Moslem Minister was in charge of education in Bengal, although the Moslems had been crying hoarse over it for more than forty years. The result has been that the Moslems have fallen into the background. Again, although about ten years ago the Calcutta University Commission, presided over by Dr. Sadler, recommended the extension of the principle of Moslem communal representation to the Calcutta University, no effect to this recommendation has yet been given, to the great detriment of Moslem educational interests in Bengal.

#### Urdu Language.

Urdu language is the *lingua-franca* of India. As its name signifies, it means the language of the camp; that is, it is a language which was evolved by the commingling of the different races, Hindu and Moslem, on the battlefields of India when they fought together in the service of the Moghul Emperors of India. It is, therefore, a language in which both the great Indian communities can take legitimate pride as the offspring of the union of the two communities in the past. It is a language which is understood more or less throughout India, and it is easy to learn. It should, therefore, be recognised as the *lingua-franca* of India, and its use should be permitted in the Courts and the Legislatures of India. And whatever some Indian Nationalists may say to the contrary, obsessed as they are now by camouflaged Communalism, their ancestors, equally with the Moslems, used to take pride in speaking that language even some sixty years ago. Moreover, if they are sincere in their professions for the attainment of Indian nationhood, they would find in the recognition of the Urdu language as the *lingua-franca* of India an effective instrument for its attainment.

#### Constitution making.

For countless centuries and through a long vista of ages the Indians have been accustomed to only one form of government, namely the personal rule of autocrats. To call upon the Indians to frame or suggest a constitution on the Western pattern is to impose upon them a task for which they are hardly equipped by their traditions or by their training. This is demonstrated by the fact that, although for the last six months or so, some of the prominent leaders of India have assembled together in different cities of India under the auspices of what they have styled the All-Parties Conference, their labours and collective wisdom have not yielded any tangible results, and often their efforts to produce

a constitution acceptable to all parties have been split upon the rock of inter-communal problems. And, therefore, for us to suggest any particular form of constitution will be a rash venture. But this much we would emphasise, that the solution of inter-communal problems between Hindus and Moslems is an essential factor for the evolution of any constitution or for its smooth working. Therefore, more than any particular form of constitution what the Indian Muhammadans are anxious about is this, that there should be statutory provision for the safeguards of their rights and privileges as set forth above, and should be made organic part of any constitution that the British Parliament may grant to the people of India, so that these might not be tampered with by any Indian legislature without the sanction of the British Parliament and without the united consensus of Moslem public opinion in India. With this observation, and subject to the above proviso, we proceed to offer some remarks on some of the points mentioned in the Appendix of the Communique of the Commission.

1 A. Franchise may be extended and qualifications of electors may be reduced by half.

B. Elections may be direct.

C. We have already indicated our views in the body of the memorandum.

D. At present there is hardly much touch between representative and constituents who are mostly illiterate and politically untrained, with the result that the representatives say and do things in the Councils for which they are seldom, if at all, called to account by their constituents. This leads to a worse irresponsible form of Government.

E. Although parties and groups are formed, they do not rest on any solid basis of principle or policy. Save and except the Swarajist party, who have a definite programme and definite policy, however destructive it might be. Other groups or parties are more or less based on personalities; and personal ambitions and jealousies often distract them, in the absence of a definite policy. Nor are the Moslem parties or groups, though they are formed for the protection of Moslem communal rights, free from this evil. Neither the constitution of the Council nor the condition of Indian society, with its present standard of public life, lends itself to the formation of great parties, as in England or other advanced Western countries.

F. In the absence of free compulsory primary education, it is not possible to have informed public opinion among the masses or the electors, especially in rural parts.

G. We favour nomination of officials and non-officials on elected bodies.

2 A and B. We have already indicated our views in the body of our Memorandum.

3. Amongst the local self-governing bodies, we attach the greatest importance to the extension and development of Union Boards. They are the essential basis of any future democracy in India. They serve a useful purpose in looking after the immediate concerns of villagers, and have to provide village roads, village schools and village sanitation, and in some cases have been vested with the power to try petty criminal cases.

C. and D. At present, it seems desirable in the interest of these local self-governing bodies (Municipalities, District Boards, etc.), that they should be under the general supervision of officials of provincial Government and the general control of provincial Government. When such bodies will have further developed, such supervision and control could be delegated to a Local Self-Government Board in charge of a minister at the headquarters of the Government.

4. Unitary Cabinet seems desirable. Executive Council might be abolished, and the Governor might carry on the Administration with the help of ministers alone. But in the present state of inter-communal tension, it is necessary that Law and Order should be a reserved subject in the hands of the Governor.

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E. There should be collective responsibility among the ministers.

I. Second Chambers appear to be desirable to correct the vagaries of First Chambers, and to avoid certification by the Governor.

J. The experiment of provincial autonomy may be tried, with distinct statutory proviso that, in case it breaks down or is guilty of maladministration, the Central Government will resume it.

L. If there be reserved and transferred sides there should be separate purses.

5. The Central Government should have the power of superintendence and general control of the Provincial Government. Save and except foreign relations, it should have the power in all central subjects without sanction of the Secretary of State for India. The Secretary of State's control should be limited to the foreign relations of India.

E. The Executive of the Central Government should not be subject to the legislature, and should have a strong British element.

9 A. The status of the Indian Civil Service should be maintained intact as recommended by the Lee Commission, and an effective British element should continue in that service.

E. We have already indicated our views in the body of our memorandum.

In concluding our Memorandum, we cannot do better than close it with the concluding words of this Association's Memorial to the Secretary of State for India in 1917 :—

"In conclusion, your humble Memorialists beg to state that they have ventured to offer these observations, in the hope that by honestly and faithfully representing Muhammadan ideas with regard to the safeguards necessary for the protection of Moslem interests under any contemplated political reforms and administrative readjustments, your Memorialists may render some loyal assistance to you in achieving the object which you have in view in visiting India, viz. the welfare of the people of India at large. Your Memorialists feel that as the trend of Imperial policy appears to be to grant, in due course of time, autonomous administration to the various provinces of India, with the gradual reduction of the British element in the personnel of the State, it is absolutely essential at this state in the development of Indian affairs to have the rights of the Mussulmans to share proportionately in such and future developments placed upon a firm and acknowledged basis, rather than leave the principle for settlement to a future time, at the risk of bitter friction and fierce strife.

Fully recognising that the development of India must proceed upon the mutual goodwill and co-operation of the two great component elements in the Indian population, your Memorialists feel it necessary that these two component elements should be equally strengthened educationally, politically and materially, and freed from religious prejudices and social and racial animosities, in order to constitute a healthy and progressive composite whole. Your Memorialists are not prepared to say that such a millennial point in the destiny of India has yet arrived, and therefore your Memorialists hope and trust that you will not treat their suggestions as the outcome of racial or religious rivalry, but as prompted by an honest and sincere desire to ensure the uninterrupted future advancement of India as a whole, by sure and steady steps, towards the goal of self-government within the British Empire. Ever since the disappearance of the Timuride dynasty, the Indian Moslems have transferred their whole-hearted allegiance to the British Crown, and England to-day, in their eyes, stands in the place of the Great 'Moghul,' as the protector of their rights and the upholder of their privileges. For England now to place the Indian Moslems, without proper, definite and ample safeguards, under the heels of a hostile non-Moslem majority, would, your humble Memorialists venture respectfully to submit, be a cruel act of breach of faith and violation of trust, and would be subversive of solemn engagements and sacred pledges entered into from time to time between Great Britain and her representatives in India, and the past Moslem sovereigns and potentates and Moslem peoples in different parts of what now constitutes the British Empire in India. Your Memorialists beg to assure you that in safeguarding the interests of the seventy millions of His Majesty's loyal Mussulman subjects in India, at this critical stage in the history of its development, you will be strengthening the basis of their unswerving loyalty to the British Throne, and laying deep and firm the foundation of their peaceful self-development, political advancement and national well-being, side by side with the great Hindu community, under the aegis of the beneficent British Crown, and your name will be remembered with gratitude by Indian Mussulmans for generations to come. Your Memorialists feel confident that you will be gracious enough to give due, earnest and sympathetic consideration to their prayers, and that you will deal fairly and wisely with Muhammedan claims."

Deputation consisting of representatives of the Central National Muhammadan Association and Branch Associations and of the Mofussil Anjuman Islamia, Eastern Bengal, called and examined.

The deputation consisted of :—

Representatives of the Central National Muhammadan Association :—

The Honourable PRINCE AFSAR-UL-MULK MIRZA MAHOMED AKRAM HOSSAIN BAHADUR, Member, Council of State, Vice-President (Spokesman).

Mr. A. H. GHUZZNAVI, M.L.A.  
HADJI CHAUDHURY MAHOMED ISMAIL, M.L.A.

Mr. UNSODDAULLA, Sheriff of Calcutta.

Mr. SYED ERFAN ALI, Barrister-at-Law.

KHAN BAHADUR HADJI FAZLUL HUQ.  
KHAN BAHADUR MAULVI ABDUS SALAM, Honorary Secretary.

Representatives of the Branch Associations :—

MAULVI SHARFUDDIN AHMAD, B.L. (Mymensingh Muhammadan Association).

MAULVI MOHAMMED HAMID ALI, B.L. (Bogra Muhammadan Association).

MAULVI MUJIBUR RAHMAN, B.L. (Howrah Muhammadan Association).

MAULVI ULFAT HOSAIN JORADAR, (Chuadanga, Nadia Muhammadan Association).  
Representatives of the Mofussil Anjuman Islamia, Eastern Bengal :—

The Honourable KHAN BAHADUR MAULVI ABDUL KARIM (Member, Council of State), Tipperah.

MAULVI SHARFUDDIN AHMAD, B.L. (Mymensingh).

MAULVI MOHAMMAD HAMID ALI, B.L. (Bogra).

256. The Chairman : I understand that this deputation consists of representatives of the Central National Muhammadan Association, with Prince Akram Hossain as spokesman, and do I understand,

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also, that it is desired to bring in some representatives from branch Associations?—*Sir Abdelkerim Ghuznavi*: A few from branch Associations.

257. *The Chairman*: And some representatives of the Mofussil Anjuman Islamia of East Bengal?—*Sir Abdelkerim Ghuznavi*: Yes.

258. *The Chairman*: And who will be their leader? The Honourable Khan Bahadur Maulvi Abdul Karim, I suppose?—(*Khan Bahadur Maulvi Abdul Karim*) Yes.

259. *Sir Abdelkerim Ghuznavi*: Sir, before we proceed, I should like to make a statement. I would like to bring to your notice officially that recently a conference, an All-India conference of all parties of Mussulmans, was held at Delhi. On that platform were gathered Mussulmans of all schools of thought and of all political ideas, and they have put forward certain recommendations, which have been accepted, if I may say so, by the entire Moslem community; and with your permission, sir, I will just read out the resolutions which were adopted.\*

\* \* \* \* \*

Well, sir, this practically represents the views of the entire Moslem community, and I think it will save the time of the Conference if I say that these views have also been adopted by Moslem Bengal. But there are other matters that concern this province, and these matters will be put forward by the two deputations, one representing the Central National Muhammadan Association, and the other the Anjuman and district Associations of East Bengal, for whom my honourable friend, the Honourable Khan Bahadur Maulvi Abdul Karim, is the spokesman.

260. *The Chairman*: Thank you very much. We might just start, I think, with one or two questions. Is the Central National Muhammadan Association a Bengal Association or an All-India Association?—(*Prince Akram Hossain*) It is an All-India Association, but its activities are more or less chiefly confined to Bengal. We have branches all over India. We have about twenty branches in Bengal itself.

261. \* \* \* I will now turn to page 50 (Memorandum from the Central National Muhammadan Association)—the proposals in regard to legislative councils. You say there: "Separate electorate for Moslems in all councils on the population basis, subject to the limitation that the minority should have 40 per cent. of representation on all legislative bodies." I follow that. The meaning is quite plain. Then you add: "That no resolution or Bill affecting the religious, social or educational interests of any community, which is opposed by one-fourth of that community shall be proceeded with." That, I suppose, means opposed by one-fourth of that community's representatives in the legislature?—Yes.

262. It does not mean you take a vote right through the province?—It means only one-fourth of the community's representatives in the legislature concerned.

263. Have you considered at all who is to decide whether or not a Bill does affect the religious, social or educational interests of any community?—The community itself.

264. Is it to apply to other communities besides the Muhammadans?—Yes, sir.

265. How many are there?—I should extend it to more communities.

266. I want to go a little more into detail.

For example, will you regard the depressed classes as part of the Hindu community?—We do recognise that they are a part of the Hindu community.

267. So the depressed classes would not be entitled, through one-fourth of their representatives, to object to anything which they said affected their social or educational interests?—Yes, that is so.

268. Of course, they are only part of a larger community?—If they are taken as Hindus they would be included amongst the Hindus, and one-fourth of the Hindu community would be entitled to object.

269. Would it apply to the Sikhs?—It ought to.

270. I am not quite sure how far the Central National Muhammadan Association has worked out this idea that no resolution or bill which any community thought affected its social or other interests should be passed if one-fourth of its representatives objected to it. I do not know how far you have thought that out with reference to other communities than your own?—We were thinking of our own community. Indeed, in the Memorandum which we have drawn up, we have only been consulting our own interests. But if there is any suggestion that applies to us it ought equally to apply to other communities also.

271. But you were thinking of your own interests?—Yes.

272. You then say, in your Memorandum, that "provincial legislatures should consist of three-fourths elected and one-fourth nominated members." Has your Association considered who should make the nominations and on what principle?—(*Khan Bahadur Maulvi Abdus Salam*) Nominations are made by Government, and our idea is that they should be made by Government.

273. Government would nominate officials?—They do. They do nominate officials.

274. I was speaking of the future scheme?—We want to keep to it. We want to keep things as they stand as regards nomination.

275. You add in your memorandum: "Abolition of special electorates, such as the Indian National Chamber of Commerce, Bengal Mahajans Sabha, Landholders, Electorate, the Universities, the Corporation of Calcutta, the Marwari Association, etc." Your view is that no landholders should have any special electorates?—Our idea is that those who can get in through general electorates should not seek special electorates. We think that the landlords wield influence and have power and wealth and they can easily get through general electorates. The Marwaris, also, have got wealth and power and they can get through general electorates.

276. Am I to understand that these proposals on page 12 of your Memorandum are unanimously adopted by the executive of the Central National Muhammadan Association?—Yes.

277. And that, I am told, is an All-India body?—It is an All-India body.

278. Is it adopted, for instance, by the Muhammadan landowners of the Punjab?—No, as our spokesman, Prince Akram Hossain, has already explained, we have confined ourselves to Bengal. (*Prince Akram Hossain*) Our activities are more or less confined to Bengal, though we have branches outside Bengal.

279. Then I see you say that the special electorates are to be confined, in the case of Europeans, Anglo-Indians, Labour and Depressed Classes?—Yes.

\* See Vol. II., p. 84.

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## Afternoon.

### Deputation from Central National Muhammadan Association, &c.

—CONTINUED.

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7. *Sir Abdelkerim Ghuznavi* : May I ask you what your view is with regard to the transfer of Law and Order?—In my opinion—I have given some thought to it—it should be exclusively in the portfolio of His Excellency the Governor.

8. What is your idea with regard to the establishment of a Second Chamber?—Provided there is proportional representation of Muhammadans in the Upper House also I should be immensely in favour of it.

9. Are you satisfied with the Moslem representation in the public services?—Not at all.

10. What do you think it should be?—That is a point about which I have already expressed an opinion. It should be in proportion to the population.

11. Now about the methods of election. Do you think it would be helpful to have what I would call electoral colleges in each sub-division, the electoral colleges to be composed of representatives from various unions?—My own opinion is that we can better have it if the representatives elected by the unions are given the power to send their representatives to the Council. By the delegation of authority to the representatives of the unions, I am inclined to the opinion that these latter can exercise their judgment and discretion in the selection of suitable candidates on behalf of the people who have not got any political sense.

12. That would also incidentally minimise what I should call corrupt practices in the course of elections?—It is not only with a view to that, but also with a view to enable the intending candidates to be in closer touch with their own constituency which is impossible otherwise under the present state of things. Another reason is that these people being intelligent and able to understand the significance of a vote, their selection would be better.

13. Do you think there is a lot of corruption now prevalent in the course of elections?—I have no direct knowledge of it, but I understand from reliable sources that it is prevalent.

\* \* \* \* \*

17. *Mr. Travers* : I believe you know that from Northern Bengal and Eastern Bengal there are a number of applications for the appointment of British officers as district magistrates or superintendents of police. Does your Association hold the opinion that it is desirable to continue to have a considerable number of British officers in the public services?—Certainly. As a matter of fact, I have myself been a party to such application, and I would not be satisfied even with Indian Christians; I want *pukka* Europeans.

18. *Maulvi Abul Kasem* : Khan Bahadur, you said that you will support the proposal for a Second Chamber because you feel that the Legislative Council or the Lower Chamber, if I may call it so, may sometimes go wrong and as a corrective body you want a Second Chamber?—That is only one of the reasons. Another reason is that we will be following the precedent of those countries which have a democratic form of government.

19. In answer to Sir Abdelkerim, you said that you will favour indirect election because the people who will elect members to the Legislative Council will be more intelligent and also because the members of the Legislative Council will be in closer touch with their electorate. But is it not a fact that the member for a particular area, whether elected indirectly or directly, will have for his constituency the whole area as at present?—Yes, that is so.

20. And consequently he cannot be in closer touch with the real taxpayers. If these taxpayers are not

intelligent, how can you say that they will elect proper representatives to the Union Boards; they may elect wrong representatives. In that case what is the advantage of indirect election?—The only answer that I can give is that we have to take our chance. The choosing of right or wrong men depends on you.

\* \* \* \* \*

22. *Maharaja Shashi Kantla* : Do you consider that the Chairmen and Vice-Chairmen of Local Bodies who are elected by joint electorate can truly safeguard Muhammadan interests?—I do not.

23. *Sir Arthur Froom* : On page 51 of your Memorandum, you refer to the constitution of the Cabinet, both Provincial and Imperial. You say that half the members of the Cabinet should be Indians, of whom half should consist of Moslems. Who should compose the other half?—That is for the Government to decide. We were specially concerned with the protection of Muhammadan interests, and we left the rest to be adjusted according to circumstances.

24. Would you have any objection to have Europeans for the other half of the Cabinet?—I do not mind in the least.

25. *Mr. Kikabhai Premchand* : On page 49 of your Memorandum you say that you want safeguards for the protection of Moslem special interests. You must be aware that although the Bombay presidency has but 19 per cent. of the Muhammadans, they have a Muhammadan president of the Legislative Council and two Muhammadan members of the Executive Council. Does this bear out your apprehension that safeguards must be had if the extinction of the Muhammadan community is to be avoided?—It is a matter which concerns the Bombay presidency.

26. But you are talking of the whole of India. —*The Chairman* : Although this is an All-India body, they are only giving their opinion from the Bengal point of view.

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32. *Mr. Kikabhai Premchand* : On page 53 you say, "The Hindu general electorate should be "divided into Depressed and Non-Depressed "electorates." Is this with the idea of splitting the forces among the Hindus?—(*Prince Akram Hossain*) We have no such idea to divide the Hindus. It is only intended that the Depressed Classes might have a separate electorate.

33. *Sir Hari Singh Gour* : On page 26 you say, "For countless centuries and through a long vista "of ages the Indians have been accustomed to "only one form of Government, namely, the personal "rule of autocrats. To call upon the Indians to "frame or suggest a constitution on the Western "pattern, is to impose upon them a task for which "they are hardly equipped by their traditions or "by their training." Do you not think that your community should be satisfied if you advocated a continuance of that personal rule to which you and your community had been accustomed for countless centuries? I think that will be a very good plan, is it not?—No. Public opinion at present has undergone some change. It is difficult to measure what backing this view has, but there is a section—I do not say whether it is a major or a minor section—but there is a section of the population which does not like autocracy at present.

34. What is your view and the view of your Association?—So far as the Association is concerned, it does not go into that question at all. It only says that whatever steps are taken, the interests of the Muhammadans should be safeguarded.

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[Continued.]

35. It will be equally satisfied with one system or the other?—Quite.

49. *Sardar Shivdev Singh*: I want to know whether the protection of the Muhammadan interests as put mainly in this Memorandum is based on the importance of the community as being the emperors of India for many centuries, or whether it is based on the backwardness of the community educationally, or economically or otherwise?—It is based upon a number of considerations. It is based upon their numerical position, upon their political importance, and upon their backward state.

50. The view is held nowadays that special representation of different communities is a step backward to the growth of nationalism of the country. Do you think or does your Association think that in a certain number of years the protection afforded to your community will be enough to bring it to the level of the other communities, when there would be no necessity for communal representation in all the branches of the administration?—Nothing will be happier than that. We should all very much like that there should be no need for protection at all. But as things stand at present I think it is very necessary that we should have communal representation, and I and my Association fail to see how separation brings about friction, or the retarding of the growth of nationalism.

51. Have you formed any idea as to the period within which your community will come to the level of the other communities?—It all depends upon the progress made in the relationship of one community with the other.

52. *Dr. Suhrawardy*: Sirdar Shivdev Singh Uberoi has put to you a question as to when you think it would be possible or when it is likely that the Muhammadans will agree to the abolition of the communal electorates. Am I right in thinking that the Mussulmans of Bengal will be in a position to give up their claim to communal electorates as soon as it will be time for the Hindus to demand protection for them?—It is very difficult to say.

53. My idea is this. The Mussulmans are numerically strong, but in other respects they are backward. But if in the Legislative Council and Local Bodies the Mussulmans dominate as they have been dominating in certain district boards in Eastern Bengal, would that not be the time for the Hindus to demand separate electorates for themselves and the Mussulmans to give up separate electorates? Is not that time fast approaching, that is to say, the time for the abolition of communal electorate for all time?—(*Khan Bahadur Abdul Karim*) We all wish that it could come even to-morrow when the Muhammadans would not like to have this sort of protection. As a matter of fact until a few years ago we had complete confidence in the sister community, the majority community of Hindus, and we were looking up to them as our brothers and guides. But, having regard to the course of events that have followed and having regard to the fact that the circumstances that I have adverted to in my replies might continue for any length of time, it is difficult to prophesy the time when that moment for fusion will come.

58. *Dr. Suhrawardy*: (To the witness): Mr. Kikabhai Premchand has pointed out to you that in Bombay there is one Muhammadan president and two Muhammadan members of Government. I am not concerned with Bombay, but is not it a fact that in Bengal, in spite of the Moslem majority, there is no Muhammadan President of the Bengal Legislative Council nor has one ever been elected, and there is only one member and one minister? That is the other side of the sheet?—There was at one time a Muhammadan President, the late Nawab Sir Syed Shamsul Huda.

59. He was appointed; I am speaking of elected?—Elected? No. A prominent Muhammadan gentleman wanted to be elected, but he was defeated.

60. We need not go into details, but I want to show the other side of the sheet?—My answer is that there was only one attempt, and that was not successful.

## Memoranda submitted by the All-India Association of European Government Servants.

I am directed by the All-India Association of European Government Servants to submit this Memorandum in response to the invitation of the Indian Statutory Commission, dated the 8th March, 1928. It was requested that Memoranda should be submitted by the 1st of June, 1928. My Association has not been able to comply with that request, owing to the difficulty of consulting its constituent associations in the short space of time allowed, but it trusts that the Commission will appreciate this difficulty, and, in view of the position of the Association, will give due consideration to this Memorandum. My Association has had the advantage of consulting the Memoranda already submitted by the Associations of Bengal, Madras, Bombay, the Punjab, and the Frontier Province, and the Central Provinces, as well as of reading a note submitted by the United Provinces Association. Copies of all these documents are attached to this Memorandum. Many of the points which my Association desires to make have been put in more detail in the Memoranda of the various provinces which were considered and discussed at a conference of representatives of the constituent Associations, at Calcutta, on 27th, 28th and 29th August, 1928. This Memorandum is the result of that conference, and is designed to emphasise the points common to the representations of all European Government Servants in India.

2. The constituent Associations of the All-India Association of European Government Servants are the Associations of such servants in the following Provinces: Madras, Bengal, Bombay, the United Provinces, the Punjab and the Frontier Province, the Central Provinces and Assam. The Association is the only Service association which consists entirely of Europeans and can claim to speak authoritatively on behalf of Europeans in the Services. On the 1st January, 1928, it included 1,320 Europeans, most of whom are members of the Superior Civil Services. Officers of the Police and the Indian Medical Service and other officers of the Army in Civil employ are precluded by the orders of Government from joining the Association.

3. My Association recognises that the existence of a body of civil servants subject to an external authority is inconsistent with certain forms of Government. Nevertheless, it will be desirable for some time, at least, to maintain the British character of the administration. Apart from this, the disappearance of practically all the principal administrative officers of Government, either immediately or within a short term of years, is not likely to be contemplated by any Government as desirable. It was recognised from the initiation of the reforms in India that the maintenance of a considerable body of European Government servants was necessary, and, for this reason, and to encourage the many officers who desired then, and still desire, to remain in the service of the Government in India, the Services have been given certain rights and privileges by the Government of India Act of 1919, and the rules thereunder. The provision for the rights of officers who may remain in Service, or may be compelled in one way or another to retire, may be briefly summarised by a quotation from Section 96B(2) of the Government of India Act, 1919, where it is stated that "every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council, to the Civil Service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." My Association hopes that not only will no diminution be allowed, as a result of the Commission's deliberations, in the rights so secured, but also that they will be extended, as is only equitable, to cover officers who have joined since 1919.

4. My Association desires to state here the main

rights, guarantees, and safeguards, assured at present to European officers in the Services, which are as follows:—

- (i) The composition, powers, functions, duties and procedure of the Council of India are such as are prescribed in Sections 3 to 10 of the Government of India Act of 1919.
- (ii) The control of the finances of India rests with the Secretary of State in Council (Section 21 of the Act).
- (iii) Officers appointed before the commencement of the Act retain all existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable (Section 96B(2) proviso).
- (iv) The right to pension and the scale and conditions of pension cannot be varied so as adversely to affect any person appointed before the date of the rules made under Section 96 B(3) of the Act.
- (v) The classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct are governed by rules made by the Secretary of State in Council (Section 96B(2) of the Act).
- (vi) The Governor of each Province is required by his Instrument of Instructions to safeguard all members of the Services in the legitimate exercise of their functions and in the enjoyment of all recognised rights and privileges and to see that the Government order all things justly and reasonably in their regard.
- (vii) A Public Service Commission has been appointed (*vide* Section 96C(1) of the Act) which the Governor-General in Council must consult in cases of appeals against punishment before passing any orders on an appeal to him or before forwarding an appeal to the Secretary of State. The Commission may be consulted by the Governor-General in Council in cases of memorials and by Governors or Chief Commissioners before orders are passed. The Commission is further required to advise, when so requested by the Governor-General in Council or a Local Government, on questions affecting the conditions of service of All-India, Central or Provincial Services; and the Governor-General in Council must obtain the advice of the Commission on questions as to the extent to which officers of the All-India Services and Central Services, Class I, are affected by the abolition of any post or classes of posts.
- (viii) Every officer has the right to appeal or to memorialize. Every officer who has been appointed by the Secretary of State in Council has the right to submit an appeal or memorial ultimately to the Secretary of State in Council.
- (ix) The salaries and pensions of persons appointed by or with the approval of His Majesty or the Secretary of State for India in Council are non-votable (*vide* Sections 67A(3) (iii) and 72D(3) (iv) of the Act).
- (x) No officer may be dismissed by any authority subordinate to that by which he was appointed and the Secretary of State in Council (except so far as he may provide by rules to the contrary) may reinstate in that service an officer who has been dismissed (Section 96B(1) of the Act).
- (xi) All officers of the services named in Schedule 1 of the Premature Retirement Rules have the right to retire on proportionate pension with passage gratuity.

The rights, safeguards and guarantees quoted above are secured by the Government of India Act of 1919, and are a fundamental part of the conditions



under which the European services of the Crown in India serve. My Association would urge that no reduction of those rights, safeguards and guarantees should be made as a result of any changes which may be made in the system of Government in India without the award of adequate compensation to the officers affected. In the opinion of the Association, this compensation should take the form of a proportionate pension *plus* compensation for the loss of career involved. Further, the right to retire prematurely upon such terms should be unqualified, and should be a continuous option lasting throughout the period of each officer's service. My Association does not at present desire to lay down any definite principles on which compensation for the loss of career should be calculated, but they are strongly of opinion that the compensation given should not be less than that awarded to officers of the Egyptian Services in 1923 under somewhat similar conditions.

5. My Association wishes to draw particular attention to the guarantee that the European officers at present possess in the control exercised by the Secretary of State in Council over the finances of India. That guarantee is the security, which those officers have, that their monetary claims will be met in full. Should the Commission consider it necessary to recommend any change in that control, whether by transferring it from the Secretary of State in Council, or by altering the composition, powers, duties and procedure of the Secretary of State's Council, my Association trusts that the Commission will recommend the retention by the Secretary of State of complete control, either over such portion of the Indian revenues as will ensure that the monetary claims of all European officers will be met in full, or over a fund constituted from such revenues to meet these obligations. At present no security exists beyond the control of the Secretary of State that the payments due to European officers on account of pensions or provident or family pension funds will be made; and, in spite of repeated protests by the Services, all contributions made by them to such funds are merged in the general revenues of India. It is possible that in the future these revenues will be controlled by a National Government, which may not be prepared to meet the responsibilities in respect of pensions and the like incurred by its predecessors. To remove this lack of security, my Association would urge that funds should be lodged in London sufficient to cover existing and future liabilities on account of pension and provident or family pension fund payments due to European members of the Services, who have joined before the recommendations of the Commission are brought into force, or to their families. Failing such action, they suggest that the British Parliament should assume the responsibility for the liabilities in question.

6. Apart from the general question of such payments, my Association is apprehensive lest the changes that may be introduced should affect the stability of the rupee, with consequent loss to European officers serving, or who have served, in India. My Association, therefore, desires to recommend to the Commission that statutory protection should be given by the British Parliament to all European officers against a fall in the sterling value of the rupee.

7. Whether the report of the Commission results in changes affecting European Government servants or not, my Association desires to urge that the option of retirement on proportionate pension or gratuity, given in the existing rules to certain officers, should not lapse, as at present provided, when the action to be taken on the report of the Parliamentary Commission is known. Officers are still apprehensive of developments in the future. For example, the safeguard given by the Instrument of Instruction to Governors is bound to become less efficacious in future under political pressure. Further, the conditions of service have developed in such a way since the option of retirement was granted that it would be only equitable to extend that option to all

Europeans now in the Services. They are equally affected by adverse conditions arising out of the political development of India.

8. My Association desires here to mention a special point on which apprehensions are felt by the European members of the public services. There is, and for some time past has been, a growing shortage in the number of European medical officers in Civil employ in the provinces. The members of my Association have always regarded medical attendance on themselves and their families by European doctors as one of the most essential conditions of service in India. The question is dealt with in paragraph 93 of the Report of the Royal Commission on the Superior Civil Services in India of 1924. The recommendations of that Commission represent the minimum requirements of the European members of the Services, and my Association trusts that the number of European medical officers in Civil employ in India will not be allowed to fall below that needed to fulfil those requirements. Recent regulations in connection with the Indian Medical Service indicate that European medical officers of that Service may not be available for Civil employ in sufficient numbers. In that event steps should be taken to procure competent European doctors from some other source.

9. My Association wishes also to offer a suggestion as to the constitution of the Public Service Commission set up under the Government of India Act of 1919. At present only the Chairman is ineligible for any further appointment under the Crown in India. In view of the increasing importance given to political considerations in dealing with administrative questions in India, my Association urges that no Member or Chairman of the Commission should be eligible for any further appointment under the Crown in India or for a seat in the Council of the Secretary of State for India.

10. Hitherto, this Memorandum has dealt largely with the position of European Government servants who are members of the Superior Services, and have their interests protected by the existing law. There are, however, a number of other European officers whose cases have been dealt with in the Memoranda of the constituent associations, including (a) officers who have taken service with the Government of India or a Provincial Government under a contract; (b) officers who belong to an ordinary pensionable Provincial Service; (c) officers who belong to a pensionable Central Service whose pay is votable; and (d) specialist officers appointed by the Secretary of State, but not in the Superior Services, whether their pay be votable or non-votable. Such officers have undoubtedly and justifiably taken employment under Government with the anticipation that British control of Government in India would persist. As that control relaxes, their position is bound to become more difficult. It is easy to imagine how an unfriendly Administration could make such officers' lives so unpleasant as to drive them from the Service, even without compensation. Many such officers are members of the Provincial Associations of European Government Servants, and my Association desires to impress upon the Commission the necessity for their protection. In future, when any Government in India desires on its own initiative to employ European officers by recruitment through the Secretary of State, or the High Commissioner for India, my Association is of opinion that the interests of such officers should be assured by a clause in the terms of their engagement requiring the Government concerned to guarantee, by means of reserve funds, or otherwise, the fulfilment of the terms of the engagement regarding notice, and a return passage to Europe, in the event of the salary of the officer concerned being refused by vote of the Legislature. A further safeguard desirable is the appointment of a reliable arbitrator in the case of contracts of service, and my Association suggests that the final arbitrator in all cases should be the Secretary of State himself. In respect of European officers in pensionable services, whose pay and allowances are votable, my Association

considers that it will be only equitable to admit them to similar terms, as regards premature retirement with proportionate pension and compensation for loss of career, to those which may be granted to the officers whose pay and allowances are non-votable.

11. My Association would summarise the position which it desires to place before the commission as follows. It represents the majority of European Civil officers serving in India. Those officers have deliberately chosen a career in India; many are bound by ties of family tradition to the Service of India, and to most it would be a wrench to break with the work of their lives, and with the country and the people whom they have served. But they recognise that Indian conditions are altering every day, and they feel compelled in justice to themselves and to their families, therefore, to demand that their position should be clearly defined, and that they should receive protection if they stay in the Service,

or compensation if they are forced to go, whether by adverse conditions or direct discharge. The form which such protection takes at present, and might be given in the future, and the lines on which compensation might be given, have been set out in this Memorandum, and my Association trusts that the suggestions made will receive full consideration from the Commission.

12. My Association is prepared, through one of its members, to give oral evidence during the visit of the Commission to Calcutta in December, 1928, if so desired. It is not possible to state the names of the witnesses at this date owing to the exigencies of the Public Service.

*Enclosures :*

Copies of Memoranda submitted by the Provincial Associations of European Government Servants.

## Preliminary Memorandum submitted by the Bengal Association of European Government Servants and Managing Committee of the All-India Association of European Government Servants.

The Bengal Association of European Government Servants comprises within its membership European Government Servants from all the various services in Bengal, excepting Police, Jails and Indian Medical Service. It is recognised by the Government of Bengal. Its membership on January 1st, 1928, totalled 183. The Council of the Bengal Association is also, for the current year, the Managing Committee of the All-India Association. A copy of the Rules of that body is attached.\* The All-India Association is recognised by the Government of India. Its total membership is 1,320.

2. The Council of the Bengal Association desire to emphasise that this Memorandum represents the views of that Council alone. It has been impossible to obtain the support of all the Provincial Associations to an All-India Memorandum in the short time available. Such a Memorandum is, however, under preparation, and we ask that, in the circumstances explained, it may be received in due course, and examined by the Commission. It is obvious that as regards the future, the evidence which the Service Associations can give, and the consideration which they may justly claim, will largely depend upon the result of the preliminary labours of the Commission during its ensuing visit to India, and we would accordingly urge that an opportunity may be given for the submission of further evidence at a later date.

3. We desire at the very outset to remind the Commission of the fact that the Montagu-Chelmsford Reform Scheme brought about a profound and radical change in the conditions of the Public Services in India. This change was, indeed, an inevitable part of the scheme, and, as is well known, the sources of recruitment of Europeans for the Indian Services were greatly affected thereby, while the confidence of existing members of the Services in regard to their future career was seriously undermined. So rapidly did this factor come into prominence, that the questions of the conditions of retirement and the security of pensions, formed the subject of a Despatch from the late Mr. Montagu, then Secretary of State for India, to the Government of India, dated February 9th, 1922.

4. We respectfully invite the Commission's particular attention to the contents of that Despatch, for we regard its terms as having an important bearing on the matters under discussion. Paragraph 2(b) of that Despatch gives us the assurance that in such possible changes as the Statutory Commission are now investigating "It will be the unquestionable duty of the Secretary of State in Council to consider fully the extent to which such changes affect the conditions of service of those who will be bound by them, and whether they are such as to necessitate a re-opening of opportunities for voluntary retirement on pension; that it will further be his duty to take steps to secure the enactment of such provisions to that end as may seem just and necessary." In paragraph 4, of the same Despatch reference is also made to the serious obligations devolving upon His Majesty's Government and on Parliament in the direction of giving full security for all pensions to officers entitled to them, and adequate compensation to all officers whose services are compulsorily terminated.

5. Responsible self-government for India is the goal of the British Government. It is evident that the existence of officers under the control of the Secretary of State, and not finally subject to the local authorities, is inconsistent with any form of real self-government. When this goal is finally reached, there can be no officers left who are still under this control. The problem of advancing towards this objective necessarily includes the

problem of what is to be done with the Services. This Association has no desire to enter into any discussion of political questions, or to discuss what changes ought to be made; it is only concerned to see that if changes are made, their effect on the Services is duly considered, and the interests of the Services properly protected. If no changes are made, then there is nothing to discuss: We must assume, therefore, that some change will be made, and that this will presumably be in a further move towards responsible self-government, with the consequent result that ultimately there will be no Services left as at present constituted.

6. It is reasonable to assume that changes will be considered Department by Department, and that more progress will be made in some Departments than in others. This has already been done to some extent: for example, European recruitment has been stopped in the Indian Educational Service. It may be possible to go further, and decide that in the case of some Departments there is no place for the European officer controlled by the Secretary of State, but that if European officers are required they can be recruited on special terms by local Indian Governments. This would mean the compulsory retirement of officers now serving in those Departments. In such a case we would press that terms of compensation for loss of career should be offered to such officers, similar to those secured for the members of the Egyptian Services in 1923. A less advanced stage would be where it was decided that it was not possible for the present to eliminate European officers, responsible to the Secretary of State, or even possible to leave it to the chance that European officers with the necessary training and experience could be recruited direct by Indian Provincial Governments. In that case, we would press that in no circumstances should the control of the Secretary of State over the Service concerned be relaxed.

7. It will have to be recognised that the decision that European officers must be retained is a definite decision that the goal of self-government cannot be reached at present in the particular Department. There is, perhaps, some danger that this may be overlooked, and disappointment may be caused by what will be called an offer of a pretence of self-government, an offer of the form rather than the reality. Where it is decided that such officers must remain, it may also be decided that this is only a temporary stage, and that the officers at present serving will suffice to tide over the period until full self-government in the particular Department is given. In other words, it may be decided to stop further recruitment in that Department. We have already pointed out that this is the position reached in some Services. The position of the officers left will have to be considered. It is very likely that they will not be wanted, that the Minister in charge of the Department will think that the further step to full self-government should have been made. The officers left may or may not receive fair treatment. It will have been the decision of the Secretary of State, on behalf of Parliament, that they should remain to carry on the work of their own abolition; it is, therefore, essential that his control should remain so that he can protect them.

8. In practice we foresee that it may be difficult to make this control really effective if the Secretary of State is not to interfere in what will appear to be matters of detail in the internal affairs of the local Indian Governments. Appointments to selection posts may be given on political or even personal grounds, postings to the less favoured stations may be made, a policy of pin-pricks may be adopted in order to induce officers to retire, and, in such cases, we are very doubtful whether the Public Service Commission will be able to act as an effective safeguard. It will be difficult, if not impossible, for the

\* Not enclosed.

BENGAL ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS  
& MANAGING COMMITTEE OF THE ALL-INDIA ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS.

[Continued.]

Secretary of State to give protection in such matters. The result may be that officers will be compelled to retire, although ostensibly their retirement will be voluntary. There is one form of protection, however, which the Secretary of State can provide, namely, a guarantee that in all cases better actuarial terms of proportionate pension are given. These should be based on an impartial and fair assessment of the position of each officer with regard to the Provident Fund and other privileges and prospects which he is surrendering by premature retirement. If it is thought that, in case of a given Service, the offer of such terms might defeat the intention of retaining a certain minimum of European officers, this in itself will be a measure of how unsatisfactory and difficult the conditions in that Department are found to be. The only remedy will be to offer better terms of pay to the officers in the Service concerned.

9. We have previously alluded to the possibility of a still less advanced stage where it is considered that the goal of self-government is so far off that it is necessary to continue to recruit European officers for the Department concerned. Even here the change will probably take the form of "Indianization." Departments and their work are closely inter-related. The conditions of work in one Department are vitally affected by the conditions in another. If some Departments are changed, as is contemplated above, the position of officers working in those less advanced on the road to self-government will be materially affected. We think, therefore, that officers in these less advanced Departments should also be given the opportunity to retire on proportionate pension on similar terms to those mentioned in paragraph 8 above.

10. It is evident that if compensation and pensions are granted, as suggested, there must be some security that these will be paid. If, as has been previously assumed, we are moving towards responsible self-government for India, though this objective will not in the immediate future be reached, officers will have to be retained, who, at some future date, sooner or later, will be dependent upon Indian Governments for their Pay, Pensions, and Provident Funds. There must, in these circumstances, be some definite guarantee at this stage by the British Government, that these will, in fact, be paid. When we ask that the control of the Secretary of State should remain, we mean amongst other things, that he should be in a position to enforce payment of all amounts due on account of Pay, Pensions and Provident Funds of all officers for whom he has at any time been responsible.

11. In conclusion, we venture to summarise the essential points of our present Memorandum as follows :—

- (1) Real Self-Government for India is inconsistent with the existence of the Superior Civil Services as at present organised.
- (2) Possible stages in the devolution of the various Departments of Government may be classified as follows :—
  - (a) Where European officers are definitely no longer required, and those who remain in Permanent Service will be compulsory retired.
  - (b) Where recruitment of European officers to existing Services will be stopped, but officers already in Service will be retained to tide over the period till stage (a) is reached.
  - (c) Where it will still be necessary for the Secretary of State to recruit European officers under his control.
- (3) For European officers coming under paragraph (2) (a) above, full compensation with terms not less reasonable than those granted in Egypt should be given.

- (4) For European officers retained in permanent service under category (2) (b) above, opportunities for retirement on proportionate pensions on terms more equitable than those now prevailing should be offered.
- (5) For European officers retained or recruited under category (2) (c) above, opportunities for retirement on proportionate pension or equivalent Provident Fund should remain open indefinitely.
- (6) In all cases of European officers in the Superior Services, the full responsibility of the British Parliament as foreshadowed in the late Secretary of State's Despatch, dated February 9th, 1922 (a copy of which we append hereto), should be definitely acknowledged.

*Copy of Despatch, dated 9th February, 1922, from the Secretary of State for India, to the Government of India, as published in the Statesman of the 6th April, 1922.*

## PUBLIC SERVICES AND RETIREMENT.

### MR. MONTAGU'S LETTER.

#### *Proportionate Scheme Guarantees.*

The following is the full text of the Despatch of the Secretary of State, dated February 9, and published at Simla on Monday in a Home Department resolution on the subject of the retirement of officers on proportionate pensions and the security of pensions already earned and in prospect :—

I have recently addressed you by telegram suggesting for the consideration of Your Excellency's Government the desirability of taking early steps to remove the misapprehensions which, I have reason to believe, are widely entertained as to the meaning to be attached to the passage quoted in the margin (given below) from paragraph 3 of the resolution issued by your Government with my approval on the 8th November last, on the subject of the terms and conditions on which officers of certain Indian Services who desire to be released from further service, in consequence of the introduction of constitutional reforms, may be permitted to retire prematurely on proportionate pension.

(The following is the marginal quotation referred to above :—

All applications must reach the Local Government before the 31st March 1924, by which date officers will have ample opportunity to appreciate the effects of the recent constitutional changes, and to arrive at a considered decision. Officers of the Services specified who do not apply before that date will not be eligible for a pension on premature retirement in consequence of any constitutional developments which may subsequently take place.)

It has been represented to me that this passage in the resolution has been commonly interpreted as intended definitely to preclude any officer whose employment may hereafter be terminated prematurely, either by the Secretary of State in Council under the constitution provided by the present Government of India Act, or by an Indian Dominion Government, should such be constituted by an instrument amending or repealing that Act, from claiming pensionary recognition of the services which he has rendered, and compensation for their unexpected termination. And apart from the fear that such consequences are intended in the matter of compulsory retirement, I understand that the passage is further regarded as closing the door on any hope of the renewal of an offer similar to that

held out by the resolution, even on the occurrence of further legislation to amend the *Government of India Act*, which may have the effect of marking a further stage towards the grant to India of Dominion Status, and the combined effect of these impressions has been apparently to give colour to the idea that a leading motive which prompted the Secretary of State in Council, and your Excellency's Government in framing the terms and conditions embodied in the orders of the 8th November, was a desire to induce as many as possible of the members of the All-India Services, for whose maintenance, welfare and efficiency those authorities are directly responsible, to abandon their employment at the earliest possible date.

2. Your Excellency's Government will, I am confident, share my deep regret that language could have been used which is capable of an interpretation so fundamentally at variance with our objects and intentions, and I trust that it is now clearly understood by the members of the Services that :—

(a) Nothing in your resolution has reference directly or indirectly to the compulsory retirement of officers whose employment it may hereafter be decided, by whatever authority, to terminate for whatever reason, before they have completed such service as, under ordinary regulations and expectations, carries the claim to a pension.

(b) That when the time comes for His Majesty's Government to recommend to Parliament further legislation with the object of granting to India a larger measure of Self-Government, it will be the unquestionable duty of the Secretary of State in Council to consider fully the extent to which such changes affect the conditions of service of those who will be bound by them, and whether they are such as to necessitate a re-opening of opportunities for voluntary retirement on pension; that it will further be his duty to take steps to secure the enactment of such provisions to that end as may seem just and necessary, and that nothing in your resolution was designed to absolve the Secretary of State in Council from this obligation, and,

(c) That in fact the intention of the passage in question was simply to emphasise the circumstance that the right to apply for a proportionate pension was an exceptional right, conferred on the express recommendation of the Joint Select Committee of both Houses, with the implied authority of Parliament, in order to meet the conditions which have been brought about by the Act of 1919, or which may arise in the course of constitutional development under that Act, and, consequently,

that the right was one which, once offered and exhausted, it would not be proper for the Secretary of State in Council to renew, save as the result of a similar mandate given on account of constitutional changes arising out of further Parliamentary legislation.

#### *Security of Pensions.*

3. I desire, however, to take this opportunity of endeavouring to dispel other analogous anxieties which have been brought to my notice as being felt by members and ex-members, not only of the Indian Services, but also of the Home establishment of the Secretary of State in Council, as to the security of their pensions (whether in the course of payment or in prospect) in the event of India's acquiring full Dominion status, or such an approximation to that status as has effect of transferring from the Secretary of State in Council to the Legislative Assembly some portion or the whole of that measure of control over the appropriation of the revenues of India and over the services which is by the present Act and Statutory Rules, vested in the Secretary of State in Council.

4. It would, of course, be idle for me to pretend that any declaration by myself, by the Council of India, or His Majesty's Government as at present constituted, would have the effect of binding any future Government or Parliament as to the measures which they should respectively propose and ratify to safeguard the existing and accruing rights of persons in the Civil Service of the Crown in India whose conditions of employment may be affected by whatever further legislation Parliament may, in its wisdom decide hereafter, to enact in pursuance of the policy inaugurated by the Act of 1919: but it is evidently not generally appreciated that no change in or diminution of the powers of control now exercised by the Secretary of State in Council in this regard, nor in modification of the law which now makes such pensions a statutory charge upon the revenues of India, could be affected without the fullest public discussion, and by means of express Parliamentary enactment. It cannot be anticipated that His Majesty's Government and Parliament will treat lightly their obligation to ensure, as an essential part of such an enactment, that all pensions current at the time shall continue to be paid, that those officers whose services may have to be compulsorily terminated shall be adequately compensated, and that those who are entitled to pensions shall receive them, but, in any event, I desire to place on record, with the full concurrence of my Council, my conviction that no future Secretary of State in Council of India will be found wanting in his duty of securing the fulfilment of those obligations, or will be found willing to surrender in the smallest degree the control which he exercises under the existing law, save on conditions which will adequately ensure that the rights and expectations which it is now his duty to protect are fully guaranteed.

## Memorandum submitted by the Punjab and Frontier Association of European Government Servants.

1. The Punjab and Frontier Association of European Government Servants was constituted in 1922 with the object of protecting and promoting the interests of European members of the Services, owing to a general feeling of insecurity following the introduction of the reformed constitution of 1919 and the announcement of a policy of rapid Indianisation of the Services. It consisted on 1st January, 1928, of 309 members representing all branches of the Services. This number is approximately 65 per cent. of the total number of Europeans in the Services in the Provinces concerned, who are eligible for membership of the Association.\*

2. In the list of questions which the Indian Statutory Commission will investigate, contained in the Appendix to the "invitation to submit Memoranda" issued by the Commission on 6th March, 1928, appears :—

"10. The position of the Services, e.g. :—

- (a) Indian Civil Service.
- (b) Other All-India Services.
- (c) Provincial Services.
- (d) The question of recruitment and of Public Services Commissions.
- (e) Indianisation."

We do not feel at all sure as to the matters in respect of which the Commission wishes to have evidence regarding the position of the Services, but we take it that in this connection the Commission is chiefly concerned to report the extent to which the provisions contained in the Government of India Act, and intended to safeguard the interests of the Services, have proved effective; and, if considered necessary, to make recommendations for the modification of those provisions in the direction either of strengthening or of relaxing them. This is indeed a matter of the first importance; for we recognise that among the most striking anomalies inherent in the present constitutional régime is the necessity imposed upon popular Ministers of employing as agents for the execution of their policy, members of Services over which they have only limited control; and though the cessation of recruitment for All-India Services in all transferred fields of the administration, except the Medical Department, means that in course of time this anomaly will cease to exist; it is difficult to conceive that Indian opinion will tolerate its continuance over the long period that must elapse before the All-India Service element in existing transferred departments has disappeared, to say nothing of the period that must elapse before this result is obtained in departments which have not yet been transferred, but may be recommended for transfer, by the Commission. Responsible Government with an Executive which is not ultimately amenable to the same authority as that which makes and unmakes the Government is not a fair proposition; and we would, at the very outset of our Memorandum, insist that it is the British Government, as the authority which has imposed the Services on India, which would be responsible for compensating those Services for any injury they may have to suffer in consequence of the cessation of powers already made or to be made in future. If the attainment of responsible government by India is indeed the goal of the British Government, we can see no justification for the retention by the British Government of power to enforce the rights of the Services against the wishes of the future rulers of India. By all means let attempts be made to obtain

India's recognition of the obligations she owes to the Services, and thus to lighten the burden which must otherwise be borne by the British Government, if the rights of the Services are not to be disregarded, but let the British Government clearly avow that the rights of the Services are guaranteed by itself whether agreement is reached with India or not. It may be contended that much weight need not be attached to the utterances of Indian politicians who have declared that if India obtains Home Rule the pensionary rights of the Services will not be recognised, but with such an example before our eyes as that of the Southern Irish Government, which, in defiance of the pronouncement of its own highest judicial authority as to the right to compensation conferred by the Treaty, has refused to acknowledge that right, we cannot feel that our rights are secured unless they are explicitly guaranteed by the British Government.

3. We have indicated above that the present position is anomalous from the Indian point of view, but it is equally anomalous from the point of view of the British element in the Services, that, while the authority which appoints them, and in the last resort decides whether they shall remain in service or not, is the British Government, the authority which passes judgment on their work and otherwise has undisputed control over their destinies is an authority in India, and is more and more becoming an Indian authority. In this respect there is little if any difference between the position of those of us who are serving in the transferred field of the administration and those of us who are serving in the reserved departments in the portfolio of the Indian Member of the Executive Council. It would indeed be surprising if a conscientious Indian Member did not in any case feel bound to act precisely as if he were a popular Minister in the administration of the departments in his charge; and in this Province, where hardly any distinction has in practice been made between the transferred departments and the reserved departments in the portfolio of the Indian Member, members of the All-India Services serving in the two fields of the administration have in effect been dependent in exactly the same way on His Excellency the Governor for such protection as they may have needed. Now, in this Province we do not complain that the Indian Member or the Ministers have shown any hostility to the European members of the services as such: indeed, we readily acknowledge that their relations with us have been most cordial, and that the Legislative Council as a whole also has not displayed any racial animosity towards us; but we cannot be certain that the present temper of the Punjab will always remain the same, or that we shall always have Ministers and Members of the same stamp, or that we shall always have a British Governor; and we cannot be blind to the racial hostility which has been displayed in the local press, the Legislative Assembly and the Legislative Councils of other Provinces. In these circumstances we cannot view our position with equanimity when the authority to pass judgment on our work, and to decide questions of our promotion, appointments, etc., may be not merely unsympathetic, but positively hostile. For this reason, we would most strongly urge that even if no change is made in the control of the Services exercised by the Secretary of State, the right to retire on proportionate pension which some of us enjoy should be maintained, and that a similar right, or the right to a gratuity of equal value in the event of premature retirement, should be extended to those of us who at present do not possess it. The changes in conditions in India to which we shall presently refer, and the risk of unsympathetic or hostile treatment to which we have referred above, affect us all in almost equal degree, and it is only right that we should, all of us, have the same means

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BENGAL ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS  
& MANAGING COMMITTEE OF THE ALL-INDIA ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS. [Continued.]

held out by the resolution, even on the occurrence of further legislation to amend the Government of India Act, which may have the effect of marking a further stage towards the grant to India of Dominion Status, and the combined effect of these impressions has been apparently to give colour to the idea that a leading motive which prompted the Secretary of State in Council, and your Excellency's Government in framing the terms and conditions embodied in the orders of the 8th November, was a desire to induce as many as possible of the members of the All-India Services, for whose maintenance, welfare and efficiency those authorities are directly responsible, to abandon their employment at the earliest possible date.

2. Your Excellency's Government will, I am confident, share my deep regret that language could have been used which is capable of an interpretation so fundamentally at variance with our objects and intentions, and I trust that it is now clearly understood by the members of the Services that:—

(a) Nothing in your resolution has reference directly or indirectly to the compulsory retirement of officers whose employment it may hereafter be decided, by whatever authority, to terminate for whatever reason, before they have completed such service as, under ordinary regulations and expectations, carries the claim to a pension.

(b) That when the time comes for His Majesty's Government to recommend to Parliament further legislation with the object of granting to India a larger measure of Self-Government, it will be the unquestionable duty of the Secretary of State in Council to consider fully the extent to which such changes affect the conditions of service of those who will be bound by them, and whether they are such as to necessitate a re-opening of opportunities for voluntary retirement on pension; that it will further be his duty to take steps to secure the enactment of such provisions to that end as may seem just and necessary, and that nothing in your resolution was designed to absolve the Secretary of State in Council from this obligation, and,

(c) That in fact the intention of the passage in question was simply to emphasise the circumstance that the right to apply for a proportionate pension was an exceptional right, conferred on the express recommendation of the Joint Select Committee of both Houses, with the implied authority of Parliament, in order to meet the conditions which have been brought about by the Act of 1919, or which may arise in the course of constitutional development under that Act, and, consequently,

that the right was one which, once offered and exhausted, it would not be proper for the Secretary of State in Council to renew, save as the result of a similar mandate given on account of constitutional changes arising out of further Parliamentary legislation.

*Security of Pensions.*

3. I desire, however, to take this opportunity of endeavouring to dispel other analogous anxieties which have been brought to my notice as being felt by members and ex-members, not only of the Indian Services, but also of the Home establishment of the Secretary of State in Council, as to the security of their pensions (whether in the course of payment or in prospect) in the event of India's acquiring full Dominion status, or such an approximation to that status as has effect of transferring from the Secretary of State in Council to the Legislative Assembly some portion or the whole of that measure of control over the appropriation of the revenues of India and over the services which is by the present Act and Statutory Rules, vested in the Secretary of State in Council.

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of escape if we find our position too difficult. This is indeed a matter of the most vital importance to those of us who have no pensionary rights and are dependent for provision for themselves and their families after retirement on a provident fund, which only in the last ten or twelve years of service amounts to an appreciable sum. For such of us it would at present be impossible to contemplate premature retirement, however distasteful service might become.

4. We turn now to an examination of our present circumstances. As regards our financial position, we may say that we consider the concessions made in consequence of the recommendations of the Lee Commission to be generally satisfactory, though the failure of Government to give effect to those recommendations in certain particulars has left a sense of grievance which it would cost little to remove. While, however, we are, on the whole, satisfied in this respect, it would appear that the terms of appointment are not sufficiently attractive to enable suitable European recruits to be obtained for certain Services, such as, for example, the Railway and Medical Services, and that if a European element is to be retained in these Services, it will be necessary to offer better terms. There are, on the other hand, many other aspects of our position beside the financial one, and the changes in conditions during the last few years have been such as to make some of us doubt whether they have been wise to remain. Among these changes, perhaps the most important is the rapid Indianization which has taken place. This has had two main consequences: a decrease of social amenities and an increase of official responsibility. The social change has been most perceptible in small stations. In earlier days, with some half-dozen European officials and their families stationed in such places, life was pleasant, and there were opportunities for social intercourse and relaxation: now, however, there are many more places than before at which a single European is stationed, and the only society is that of Indians. There is here no question of racial antipathy or racial arrogance; it is simply a matter of fact that Indian and European ways of living and manners of thought are so radically different that unmixed Indian society can no more afford relaxation to a European than unmixed European society can afford it to an Indian. A further change which may, perhaps, be classed as social, is the great reduction in the number of European doctors available for attendance on the wives and families of European officials. In this respect the Government of India has so far failed to carry out the recommendations of the Lee Commission; and the matter is one on which the members of our Association feel very strongly.

5. The increase of official responsibility which has resulted from the Reforms is a matter of more serious importance, but is not due solely to Indianization of the Services. One of the chief causes of this increase of responsibility is to be found in the intensifying of communal feeling which has taken place since, if it has not been occasioned by, the Reforms. This has led in many cases to the selection of Europeans for the most difficult and most disagreeable stations, especially places where communal troubles are to be anticipated, and though the services rendered by European officers when communal troubles break out are at the time gratefully acknowledged by those chiefly concerned, "advanced" politicians almost invariably have fault to find with the measures taken to restore the public peace, if they do not actually attribute its breach to the machinations of Government and its European officers. The bane of communalism, however, does not end here: it is a poison which pervades the internal economy of every Service, and whether it is an appointment imposed from above or an appointment suggested from below, there is rarely an appointment in respect of which a European officer in any department, reserved or transferred,

provincial or central, can be quite confident that it was not made or suggested from communal considerations. Nor is the influence of communalism confined to appointments; for there is no matter into which communal considerations may not enter, whether it be a judicial decision, the giving of a contract, a report on the work of a subordinate, a recommendation for the enforcement of a penalty or the conferment of a favour; and the European officer has constantly to be on his guard lest he be made the tool of communal intrigue. We do not wish to imply that there are no Indian officers who are not swayed by communal feeling in their work: there are many, and we recognise that the greatest credit is due to them for their resistance to the constant overwhelming pressure that is brought to bear on them; nor do we deny that even before the Reforms it was the desire of Government that all communities should be represented in the Services, and we do not suggest that any Government could in present conditions view with equanimity the monopolizing of the Services by any one community: but we do insist that the Reforms have vastly intensified communal consciousness, and that the task of the European officer has been rendered much more difficult and distasteful in consequence.

6. As regards the increase of responsibility due to Indianization of the Services, apart from the exaggeration of communal differences involved therein, we submit our views with diffidence and reluctance, but we trust that it will be recognised that the opinions we express are honest opinions, and that their expression is intended only to contribute to a just appreciation of the position with which the Commission has to deal. Broadly speaking, then, we affirm that the responsibility of the European officer has been greatly increased owing to the Indianization of the Services because the Indian officer generally speaking has not the same pride in his work, the same conscientiousness in detail, the same feeling of individual responsibility as the European. There are of course exceptions to this rule, and we may be wrong in holding this opinion, but whether the opinion is right or wrong it exists, and its existence adds enormously to the burden of our work. Naturally this opinion is not altogether shared by the Indian Ministers and Members who now have such a large voice in the management of departments, so that on the one hand there is no full appreciation of the extra burden on European officers, and on the other hand there are bound to be serious differences of opinion as to the suitability of particular Indians for particular appointments. This is in fact only one aspect of a much wider problem, and that is the reconciliation of Western and Eastern standards of conduct and efficiency. The difference in these respects is indeed in many ways so great that there are some of us who are inclined to think that the time may come when the European cannot continue to serve if he is not to lose his self respect.

7. We have emphasized above the changes that have made the position of European officers in the Services more difficult and the reasons why apprehensions are entertained for the future; but while there are some of us who would before now have exercised their right to retire on proportionate pension if sheer necessity had not compelled them to submit to conditions which have become highly distasteful to them, there are others of us who have found compensation for these changes in the added interest of their work and are anxious to continue to take their share in the development of the country, and to contribute what they can to the realization of responsible self-government in India. Those of us who have been in closest contact with Ministers and Indian Members know well that they appreciate the services which European officers can render to the country and recognize that the time has not yet come when India can do without them; and we,

on our side, recognize that for so long as we are wanted, it is our duty to remain and do our best, even if conditions are not so pleasant as formerly and our work is subjected to much more searching criticism. But we must be certain that we are wanted, and we do not see how this can be assured if the present organization of the Services is maintained. We have already observed that the maintenance of that organization is incompatible with true responsible Government, and we are, therefore, forced to the conclusion that the Services as at present constituted cannot remain. There must then come before long a time when a definite break must be made with the past and only such European officers must remain as the Indian Governments wish to employ. Many of us will be willing to face the difficulties and take the risks of voluntarily re-engaging and we may hope that many of us will find re-employment, but most of us have dependents to think of, and a condition of any such arrangement as we have envisaged above must be that our pensions for past service are guaranteed by the British Government and that those of us who are unwilling to re-engage or fail to find re-employment shall be compensated for loss of career on some such terms as were given to the European element in the Egyptian services. We do not desire to enter into any details in this connection, but we would urge that these and other questions connected with the Services should, if any radical changes are recommended by the Commission, be referred to a second and special Commission on the lines of the Lee Commission.

8. In conclusion, the essential points to which we trust the Commission will subscribe in consequence of this Memorandum are as follows:—

- (1) If responsible self-government for India is the goal of the British Government, there is no justification for the retention of the Services as at present constituted, which are an obstacle to the attainment of that goal.
- (2) If this proposition is not accepted and the present control of the Services by the Secretary of State is to be maintained, the right to retire on proportionate pension should be retained and extended to members of all Services alike, no matter when recruited, or whether serving under the Central Government or a Provincial Government, and in the case of Services which have no pensionary rights, arrangements should be made for the payment of a gratuity of corresponding value in the event of premature retirement.
- (3) If the proposition advanced in Clause (1) is accepted and only such European officers are to remain as may be willing to re-engage for service under Indian Governments and can obtain re-employment, those who are unwilling to remain or fail to obtain re-employment should not be given merely a pension or gratuity in consideration of past service, but should also be compensated for loss of career.
- (4) In either case the British Government should definitely undertake liability for the payment of pensions, provident funds and gratuities to members of the Services at a rate of exchange not less than the present rate of exchange fixed for pensions.

## Supplementary Memorandum submitted by the Council of the Punjab and Frontier Association of European Government Servants.

1. The Punjab and Frontier Association of European Government Servants includes a small number of Europeans who have taken employment under the Provincial Government. Such officers, as the result of the constitutional changes of 1919, are already dependent upon a vote in the Punjab Legislative Council for their salaries and are liable to transfer or dismissal by Ministers. In this connection the Punjab and Frontier Association of European Government Servants wishes to draw attention to letter No. F-201-24 Ests. of the 7th August, 1924, from the Secretary to the Government of India in the Home Department, addressed to all Local Governments. In this letter, which dealt with the recommendations of the Lee Commission, the Government of India remark that the Secretary of State wishes that the subject of claims made by Europeans in the Provincial Services should be carefully examined, and the Government of India in the same letter expresses the view that the protection of rights of the European Officers appointed by Local Governments must be secured. As far as this Association is aware no practical results have followed these statements. The European officers concerned feel that such remaining security and consequent peace of mind as they now possess is due to ephemeral circumstances. These circumstances are the sense of moral obligation felt towards them by high European Government officials, and the fact that they, a small number, work with a large body of officials, who are protected by the Secretary of State, and from whom they receive reflected protection. Under a further measure of Reforms this fortuitous and unsatisfactory protection

would probably disappear. In this event they would find their careers at the mercy of a vote wielded by an Assembly possibly antagonistic, and certainly lacking the long traditions and experience of similar bodies in England.

2. It may be argued that since such officers have accepted terms of service for which the Secretary of State is not responsible they can have no claim on him to consider hardships they may suffer caused by further constitutional changes. This Association, however, points out that the letter quoted in paragraph 1 shows that the Secretary of State had no desire to disregard the hardships of these European officials, but, on the other hand, recognised that their claims should receive special examination. Since no protection has resulted, it appears to be even more necessary than hitherto that the claims of these officers should be dealt with before further measures of Reform become effective. The Punjab and Frontier Association of European Government Servants, therefore, asks the Simon Commission to recommend that before any further widening of responsible self-government becomes effective, this outstanding question of protection to be given to Europeans employed by the Provincial Governments should be examined by the Secretary of State and a pronouncement made upon it by him, and that the form that this protection should take should be:—

- (a) Compensation for loss of career due to termination of service.
- (b) The extension to these officers of the right to retirement on proportionate pension or on proportionate provident fund.

## Memorandum submitted by the Bombay European Government Servants' Association, Bombay.

Under the invitation to submit Memoranda which was published on the 6th March, 1928, I am directed by the Council of the Bombay Presidency European Government Servants' Association to submit the following remarks for favour of consideration by your Commission.

2. I am to forward herewith a copy of the Rules\* of the Association, the membership of which it will be observed is confined to European Gazetted Officers in Civil Employment under Government in the Bombay Presidency, except Police or Prison Officers. The Association has at present 225 members and is subsidiary to, and affiliated with, the All-India European Government Servants' Association, which Association will no doubt be submitting a separate communication to you.

This Memorandum has been drawn up by the Council of the Bombay European Government Servants' Association but, owing to the shortness of the available time, it has not been possible to obtain the approval to it of the individual members of the Association. In the opinion of the Council, however, it may safely be taken that the views expressed in this Memorandum are broadly speaking those of the majority of the members of this Association.

3. I am to point out that this Association does not desire, nor in view of the recent investigations and findings of the Lee Commission does it seem right and proper, to bring forward anything in the nature of a detailed schedule of grievances. What this Association respectfully presses for at the present juncture is that the recommendations of the Lee Commission should be fully carried out and that reasonable safeguards should be applied to the interests of the European members of the Services in India, both under the Reforms that have already been enacted and under such as may come into force in the future. This is especially necessary as there is a large number of officers who have so far been very little affected by the Reforms, but whose position may become very different with the extension of the Reforms now or in the future to the Departments in which those officers may be serving. The most important safeguard is some system under which European Officers of the Services who may have been in the Services before the existing Reforms were introduced, or who may join these services in the future and then find themselves adversely affected by further reforms that may be introduced thereafter, shall, at any time, be enabled to retire without unduly damaging their careers. It is suggested that this can best be done by means of a system of proportionate pensions and of cash compensation for the loss of future career, somewhat on the lines of the terms that were granted to certain officials under the Egyptian Government.

In this connection, I am to point out that when the present Premature Retirement Rules on Proportionate Pension were first published, the option given was for a very restricted period only, and there was in consequence an immediate rush of applications for retirement. When the period for the exercise of the option was extended, quite a number of these applications were withdrawn. It is presumably not the wish either of the Government of India or of the Secretary of State in Council that European Officers should be alarmed into applying for a proportionate pension and retiring before they normally would do so.

Conditions such as these can only mean an increased drain on the revenues of the country and have a deleterious effect on the calibre of the recruits that will come forward for the Services in the future. It is, therefore, most undoubtedly to the interest both of Government and of the Officers themselves that there should be every inducement for the Officers already in the Services to remain contentedly in these Services.

The present position in regard to the option of Retirement on Proportionate Pension is that "the option shall continue in force and may be exercised until the action proposed to be taken on the Report of the Commission provided for by the Government of India Act, is known, when the whole position will necessarily be reviewed." I am to emphasise that from the point of view of the European Officers in these Services, it is very desirable not only that they should know what action is proposed to be taken on the Report of the Royal Commission, before they come to a decision as to whether they can continue in the Services or as to whether they should retire, but also that they should be given a reasonable period in which to work under the changed conditions produced by that action which is taken on the Report of the Royal Commission. I am to suggest, therefore, that the period during which the option remains in force should be extended at the very least for one year after the issue of the complete and final orders by the Government of India or by the Local Government (whichever authority may issue such orders) on the recommendations of the Statutory Commission.

It has been contended that the existing offer of retirement on proportionate pension has unsettled Officers and kept them on the lookout for other appointments. I am to submit that this is an entirely incorrect view, and that the exact opposite has been the case, viz., that the existence of the present option has led a large number of Officers to remain contentedly at work, who would have undoubtedly have left if the offer had not been kept open.

4. The existence of an adequate channel of appeal for any Officer who may consider that he has been unfairly or unjustly treated is a *sine qua non* for a contented and efficient service. Such a channel of appeal at present exists, and I am to say that my Council note with satisfaction that certain classes of appeals to the Governor-General in Council shall be referred to the Public Service Commission and that other classes of appeal, not only to the Governor-General in Council but also to the Governors of Provinces may be referred to that Commission. In this connection, however, I am to state that in the opinion of my Council in order to ensure complete impartiality, no member of the Public Service Commission should thereafter be eligible for any appointment under the Crown in India or for a seat on the Council of the Secretary of State for India. It is submitted that a system under which a seat on the Public Service Commission may be a stepping-stone to further advancement in the service of Government does not tend to impart to the decisions of the Service members of the Tribunal that judicial impartiality which is essential for the proper performance of its functions. It seems, therefore, desirable that the members of the Public Service Commission should hold their appointments directly under the King Emperor and be ineligible for any other appointment thereafter under the Crown in India, or for a seat on the Council of the Secretary of State for India. It is, however, considered to be essential that *nothing* shall adversely affect the present rights of Officers of Government to appeal to the Secretary of State for India.

5. I am also to ask that the earnest consideration of the Commission be given to the case of those European Government Servants who do not belong to the Imperial Services. Their number is large. Most of them belong to the Provincial Services in Transferred Departments and their pay is subject to the vote of the Legislative Councils. Their position is in consequence particularly vulnerable to attack by the politically minded, and the most fair and impartial Minister would be helpless in the face of a racial attack on the emoluments of the Officers under his administrative control. It may be noted also that a Minister does not stand or fall by the vote of the Council. The legislature may cut

\* Not enclosed.

out deliberately all the European Officers in his Department, but neither the Law nor the Custom of the Constitution demands that he should in consequence resign. There are, therefore, large numbers of European Officers who may, at any time, find themselves dispossessed of their appointments, not because of their inefficiency nor because the posts they hold are unnecessary or redundant, but simply because the local legislature desires to take a short cut to Indianisation. In this Presidency the Legislative Council threw out the vote for the Department of Industries which had a European Member of the Indian Civil Service as Director, and then demanded the restoration of the vote with an Indian Director. The Director being a member of the Indian Civil Service was not affected as his pay is non-voted, and he would be given another post, but had the Director been a member of the Provincial Service or an Officer on Contract, he would have lost his employment purely on racial grounds.

In this province, too, there are Specialist Officers—necessarily engaged on contract—holding posts that are permanent and whose whole staff is permanent. Some of them have had 15 years' service and over. The Lee Commission strongly recommended that such Officers should be made permanent, but that recommendation has been ignored, and these Officers,

despite their long service, are liable at any time to be dismissed at six months' notice, with no reason given, and with no compensation and with no pension, except what their provident fund gives them.

I am, therefore, instructed to ask that the position of officers not belonging to the Imperial Services should receive careful examination.

6. In conclusion, I am to state that in so far as the interests of the European Officers of Government are concerned, the main issues which the Council of the Bombay European Government Servants' Association desire to bring to the notice of the Royal Commission are :—

- (a) The continuance of the system under which an officer may retire without undue financial loss in the event of the conditions of his appointment being changed to such an extent after his entry into it as to render it in his opinion impossible for him to remain.
- (b) The continuance of an adequate channel of appeal for officers who may consider themselves unjustly treated.
- (c) The position of those European Officers referred to in paragraph 5 above who are not members of the Imperial Services.

## Memorandum submitted by the Madras Association of European Government Servants.

The Madras Association of European Government Servants was formed in January, 1922, with the object of protecting the interests and position of European members of the All-India and other Services, including Specialist appointments, which it was felt might be rendered insecure by the introduction, in 1921, of the Reforms and by the rapid Indianisation of the Services. On May 1st, 1928, it had 206 members representing all branches of the Services eligible for membership and about ninety-five per cent. of all European officers of the All-India Services. Officers of the Indian Police Service and of the Indian Medical Service are not permitted by Government to be members of the Association. The Association is recognised by the Government of Madras.

2. In the Appendix to the "Invitation to submit Memoranda," issued by the Indian Statutory Commission, item 10 deals with the position of the Services.

3. With reference to item 10 (b) the following remarks indicate the views of this Association:—

- (i) The transferred subjects in the Madras Presidency, in so far as they affect the All-India Services, are Education, Agriculture, Veterinary, Public Works (Buildings and Roads), Medicine, and the All-India Services concerned are the
  - (a) Indian Educational Service,
  - (b) Indian Agricultural Service,
  - (c) Indian Veterinary Service,
  - (d) Indian Service of Engineers and Public Works Specialists,
  - (e) Indian Medical Service.

Recruitment to (a), (b) and (c) was stopped from April 1st, 1924. These Services will, therefore, come to an end with the retirement or demise of the present members. No corresponding Provincial Services have yet been instituted by the Local Government to take their places.

A table (I) is appended showing the variation in the number of posts in the cadres of these Services held by Europeans from the years 1914 to 1928.

- (ii) The reserved subjects in the Presidency, so far as they affect the All-India Services, are (a) Revenue and Judicial, (b) Forests, (c) Police, (d) Public Works (Irrigation), and the All-India Services working in these subjects are the
  - (a) Indian Civil Service,
  - (b) Indian Forest Service,
  - (c) Indian Police Service,
  - (d) Indian Service of Engineers.

Recruitment of Europeans to these Services proceeds more or less in accordance with the recommendations of the Lee Commission.

A table (II) is appended showing the yearly variations in the number of European Officers in the cadres of these Services in the period 1914 to the end of 1927.

4. The position of the All-India Services may be considered under the heads (a) financial, (b) social, (c) political.

- (a) The financial position of the Services has been improved though some classes of individuals have grounds for complaint on points of detail. There still remains, however, a definite feeling of insecurity in regard to opportunities for preferment, and in regard to pensions and provident funds. There are advanced Indian politicians of considerable standing who have openly advocated the repudiation by India of her obligations in the two last named matters should she ever attain complete independence, and we feel, and always have felt, that our legitimate

claims should be guaranteed either by the British Government or by a reserve of Indian funds held in London.

We are also disturbed at the long delay (which now amounts to thirteen years) in giving effect to the proposals for a Family Pension Fund. Even when this is instituted, confidence in it can only be assured by some such guarantee as that asked for in respect of pensions and provident funds.

The Services are most anxious that, whatever further changes may be made in the constitution, some guarantee of the safety of their financial and other rights be given.

- (b) Under social we would mention the increasing isolation of officers in mofussil stations owing to the rapid Indianisation of the Services. Many stations, which in the past were staffed by Europeans, now contain but one or two. Mofussil life which in the past had considerable social attractions has now very largely lost them owing to the rapidly diminishing number of European officers. There is no question of lack of sympathy between the two classes of Government servants, but ways of living differ so widely that relaxation is not ordinarily to be found by either in the company of the other.

The matter of medical attendance by European doctors requires serious and immediate attention. The Secretary of State has recently passed orders intended to safeguard the needs of European officers and their families but the success of the scheme depends upon an adequate supply of European I.M.S. officers. Whether European medical men will respond and seek to join the Service on the new terms offered remains to be seen; present indications are that they will not. It may, however, be laid down as axiomatic that on the provision of European medical officers in India will largely depend the willingness of officers at present in service to remain and the recruitment of European officers in the future. The provision of European medical officers is regarded as of the utmost importance.

- (c) The political situation has not hitherto materially affected the position of the Services. So far as we are aware there has been no victimisation, and relations between officers and Ministers have been generally friendly. We would, however, add that up to the present the political parties in power have been of moderate tendencies and that in most cases the Ministers have recognised the need of European help. The work of European officers is of course subjected to more intense public criticism than used to be the case, there is a lower standard of efficiency, and the changed conditions of work have caused many to despond and to take less pride and interest in their work. This is in some cases due to the fact that officers are called upon to carry out policies in which they have little faith, and which they know are merely devised to place or to keep a Minister or a party in power.

The reduction in the number of Europeans in the Services has thrown a greater degree of responsibility upon those who remain; subordinate officers require closer

supervision by their superiors and the more difficult tasks in the more congenial surroundings generally fall to the lot of the European. This state of affairs he will face cheerfully though he may feel sometimes that the fact that he is undertaking the lion's share of the work and responsibility is imperfectly recognised.

We are strongly of opinion, however, that the comparative immunity we enjoy is principally due to the protection expected by reason of our present position under the Secretary of State and of our right of appeal to the local Governor and the Governor-General. There have been cases in which selection grade posts have been filled or left unfilled, and promotions made in a manner which was considered unjust. Such cases have occurred in both reserved and transferred subjects, and have only been rectified after representation to the Governor-General or to the Secretary of State. We may, therefore, admit that the safeguards provided in the Government of India and subsequent Acts and in the rules framed by the Secretary of State thereunder have hitherto prevented the position of European officers of the Services from being prejudiced.

5. These remarks apply to the Services working in the transferred fields, but are equally applicable to Services working in the reserved fields.

6. We therefore emphatically urge that in any changed conditions that may result from the present Commission our present position under the Secretary of State should continue, our present rights of appeal be assured, our present rights to proportionate pension and the protection of our pay and allowances from the vote of the Councils be preserved and that the right to retire on proportionate pension should be granted to all in service on the date on which the new régime is introduced. If it is decided that our present position and rights are incompatible with any further instalment of self-government that it is deemed desirable or necessary to confer, we request that we may be retired on lines similar to those on which the Egyptian European Services were disbanded in the event of any new terms of service proving unacceptable.

7. In conclusion we would submit that the following points are considered essential:—

(1) That if the present members of the "transferred services" and of the present "reserved" and "central services" are to be retained, all the rights and privileges which at present are enjoyed shall be assured in full.

(2) That provision be made for rendering pensions, provident funds, gratuities and any other financial claims and privileges absolutely secure, and that retirement on proportionate pension be extended to all European officers at the time of any change in the constitution. In regard to the "uncovenanted" Services we ask that the scale of proportionate pensions be based on Rs.8,500 a year instead of Rs.7,500, as at present. When the latter sum was fixed it was on the basis of the full pension which might ordinarily be attained, but when this was, as a result of recommendation of the Lee Commission, raised to Rs.8,500, a

corresponding and logical amendment was not made in the rules governing proportionate pensions.

(3) That if the retention of the Services as at present constituted is found to be incompatible with any scheme of responsible Government it is decided to confer and if, in consequence the Services be disbanded, that the members of the Services at the time of the introduction of the new régime should be permitted to retire and be given compensation on the lines indicated in paragraph 6 for loss of career.

8. With reference to item 10 (d) we would refer to the Public Services Commission only as it affects the present members of the All-India Services. The Public Service Commission (Functions) Rules, 1926, govern its present functions. The only criticism of these rules we have to offer is that the application of Rule 17 might have been extended to all cases of interests adversely affected.

The satisfactory working of the Public Service Commission and the confidence it enjoys with the Services depend almost entirely on its capacity and independence. Instances are not wanting in which one or both of these appear to have been lacking.

We are emphatically of opinion that membership of the Commission should not be a stepping-stone to any higher appointment, and that no member of the Commission should be eligible for appointment to any higher post under the Crown.

We also consider that when technical matters and appointments are being considered by the Commission, officers with the necessary technical knowledge should be co-opted to assist in its deliberations, and that when matters relating to a particular Service come before it that Service should be represented on the Commission. For these purposes powers of co-option would have to be conferred on the Commission.

There is also the danger that the Public Service Commission may tend to usurp the functions of the Secretary of State or of the Governor-General in the disposal of appeals by members of the Services, and that these authorities may be content to accept the advice offered without themselves investigating particular cases. We, therefore, press for an assurance that the Commission will not be regarded as having assumed the functions of the Secretary of State or be allowed to interfere with the intimate relationship which has always subsisted between him and the Services.

9. With reference to item 10(e), the European members of Provincial Services in Madras have in many cases been recruited in England. At the time of their recruitment the posts to which they were recruited were generally considered to require a European and these officers were usually regarded as of similar social and official standing with Imperial Service officers. Many of them were members of families with Indian traditions who, for financial or other reasons, had not been able to join the Imperial Service. These officers are few in number and there is no possibility of their increasing; when they joined, the British character of the administration was a main inducement and there was no reason to expect any such radical change in their position as has been effected by the Reforms of 1921.

If the British character of the administration is to be further weakened, it is clear that the position of these few European officers will become more and more precarious; consequently all the considerations touching security of position, emoluments and pensions adduced in the previous sections of this Memorandum apply with not less force in their cases.

## MADRAS ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS.

[Continued.]

TABLE I.

Year.	Indian Educational Service. (a).			Indian Agricultural Service.			Indian Veterinary Service.			Indian Service of Engineers and Public Works Specialists.			Indian Medical Service. (b).		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
1914	32	32	100	12	10	83	2	2	100	92	67	73	60	55	92
1915	32	31	97	12	10	83	2	2	100	108	65	60	60	58 (32)	97
1916	33	29	88	12	10	83	2	2	100	108	65	60	60	56 (39)	93
1917	33	28	85	13	11	85	2	2	100	108	65	60	60	50 (35)	83
1918	35	30	86	15	11	73	2	2	100	108	60	56	60	49 (38)	82
1919	35	30	86	16	12	75	2	2	100	108	58	54	60	50 (35)	83
1920	39	30	77	18	14	78	2	2	100	98	57	58	60	46 (16)	77
1921	44	29	66	26	14	54	4	4	100	77	60	78	60	46 (9)	77
1922	67	30	45	27	14	52	5	4	80	79	57	72	60	38 (3)	63
1923	67	26	39	27	14	52	5	4	80	77	53	69	60	34	57
1924	67	27	40	26	10	38	5	4	80	56	47	84	50	32	64
1925	67	25	37	25	9	36	5	4	80	56	43	77	50	32	64
1926	67	23	34	24	6	25	5	4	80	56	42	75	50	20	58
1927	67	21	31	24	6	25	5	4	80	62	41	66	50	28	56
1928	67	20	30	24	6	25	5	4	80	62	42	68	50	25	50

TABLE II.

Year.	Indian Civil Service.			Indian Forest Service.			Indian Police Service.			Indian Service of Engineers.		
	1	2	3	1	2	3	1	2	3	1	2	3
1914	175	166	95	32	30	94	76	76	100			
1915	175	166	95	32	30	94	76	75	99			
1916	173	163	94	32	30	94	76	72	95			
1917	173	157	91	32	27	84	76	71	93			
1918	173	149	86	32	25	78	77	69	90			
1919	173	144	83	42	26	62	77	67	87			
1920	173	148	86	43	26	60	77	71	92			
1921	173	148	86	61	35	57	77	75	97			
1922	175	147	84	64	37	58	77	71	92			
1923	180	148	82	64	35	55	77	72	94			
1924	180	141	78	64	35	55	77	75	97			
1925	183	131	72	64	34	53	76	72	95			
1926	183	120	66	64	32	50	77	71	92			
1927	183	114	62	59	32	54	77	63	82			

*Vide above which gives figures for both branches of the service; it is not possible to separate them.*

Notes.—Col. 1 gives the cadre; Col. 2 the number of Europeans holding permanent appointments; Col. 3 the percentage of Europeans.

(a) Includes the Women's Branch. (b) Numbers in brackets show Officers on Military duty.



## Memorandum submitted by the Central Provinces and Berar European Government Servants' Association.

1. This Memorandum is submitted by the Central Provinces and Berar Association of European Government Servants in answer to the Commission's invitation in their Announcement of the 6th March, 1928, and sets forth the views of the Association on the position of the Services (*vide* item 10 of the Appendix to the Announcement). The Association was formed in 1921 and consists at present of 123 members. This number is approximately 93 per cent. of the total number of European Officers who are eligible for membership. Members of the Indian Police and Indian Medical Services are not eligible for membership. The Association was the first of its kind in India. It has always contained a higher percentage of membership than sister Associations in other Provinces, owing no doubt to the fact that whilst the inauguration of the Reforms aroused apprehensions as to their future in the minds of Europeans in every province in India, these apprehensions were, for local reasons, particularly acute in the Central Provinces.

2. It is recognized that the Indian politician regards it as an anomaly in the present constitution that popular Ministers are compelled to employ as agents for the execution of their policy, members of Services over which they have only limited control, and though the cessation of recruitment for the All-India Services in the Transferred Departments, except the Medical Department, means that in course of time this alleged anomaly will cease to exist, it is difficult to believe that Indian opinion will tolerate its continuance over the long period that must elapse before the All-India Service element in the departments already transferred has disappeared. My Association moreover cannot blind itself to the possibility that other departments will be transferred involving All-India Services to which European recruitment still continues and in which therefore the disappearance of the European element will be still longer delayed.

3. In short, my Association recognizes that one of the chief difficulties with which the Commission will be faced will be the demand that all members of the Services should be brought under the unfettered control of the Local Government. Even now, although the Secretary of State still retains ultimate control of the All-India Services, it is the authority in India which passes judgment on the work of the members of the Services and in most respects exercises *de facto* control over their destinies. It is inevitable that, as political consciousness develops in India, this authority should become more and more sensitive to political pressure. My Association recognizes that a safeguard has been provided in paragraph 7 (4) of the Instrument of Instructions to Governors promulgated under the Government of India Act, but there is a further responsibility imposed upon the Governor for the proper working of the constitution. The conflict between these two responsibilities may at any time nullify the protection which the Governor can afford to the Services, for when the interests of the Services appear to be opposed to those of an elected Ministry it is inevitable that the Governor should be influenced in his decision by the exigencies of the political situation. The further control exercised by the Secretary of State will, and must, be confined to major issues only. It cannot be invoked on everyday questions of internal administration, and must therefore inevitably have no practical effect in a number of matters which go to make up the sum total of the conditions of Service. Moreover, the entire body of political opinion in India is opposed to the continuance of the Secretary of State's control, and even if this control is continued, its operation must become more and more infrequent. The best solution appears to lie in the development of the powers and functions of a Public Service Commission entirely independent of political pressure on the

models which exist in England, Australia and elsewhere; and although this may not be agreeable at present to Indian political opinion, there is no reason why it should not ultimately be accepted.

4. It is relevant at this stage to observe that while the Reforms have introduced an element of insecurity in the conditions of services of British officials, the need for those services has been accentuated. "The contentment of the Indian masses" has been disturbed and there is less respect for authority than formerly. The communal question, though not so urgent in this Province as in some parts of India, emphasises the necessity for an impartial Executive; and impartiality can only be secured at present by the inclusion of a substantial proportion of British officials. Conditions of service must therefore be such as will attract and retain those officials.

5. The first point which my Association wishes to urge is the necessity for the continuance and extension of the right to retire on adequate terms in the event of conditions of service becoming unbearable. If it be admitted, as it must be, that no accurate forecast can be made of future conditions in India, recruitment of suitable candidates in England is not likely to be secured, unless the right to retire on adequate terms is conceded; and after service in India has been undertaken this right will go a long way to secure equitable treatment to an officer whose services are of value to India. The rules under which officials recruited overseas can retire at present are defective for the following reasons:—

- (1) There is no guarantee that the scheme will be continued after effect has been given to the next instalment of Reforms.
- (2) The scheme is not applicable to Officers recruited after the 1st January, 1919, or to certain Specialist Officers and Officers not entitled to pension.
- (3) The terms on which retirement is permitted include no compensation for loss of career.

My Association is informed that the terms on which Egyptian Civil Servants were permitted to retire included a substantial cash bonus intended to compensate these officers for the difficulty of obtaining suitable employment at a late stage in their career. This difficulty is equally real in the case of the British official who has spent his service in India.

6. The second point on which my Association desires to lay stress is the necessity for a guarantee by the British Parliament of pensionary and provident fund payments which at present are merely a charge on Indian revenues. The British official has to the best of his ability assisted the operation of the Reforms, but he is not responsible for them; it is not, therefore, equitable that any risks that have arisen from them should be shouldered by him. Possibilities of default or hardship arise from two factors; unwillingness and inability to accept past liabilities and the fact that a considerable depreciation of the rupee may at any time decrease the actual value of the savings credited in the various provident funds. It is true that the improved financial position of India removes any immediate fears of default through inability to pay or of depreciation of the rupee. Many years, however, must elapse before this liability is fully discharged. The finances of Oriental nations are notoriously liable to dislocation and should the finances of India, divorced from British control, suffer this fate, it may well happen that obligations contracted many years previously under a different form of Government will not be honoured. The risk though seemingly remote, is a real one, and should not fall on the shoulders of the British official in India, but on the British Parliament with whom the responsibility for Constitutional progress in India rests.

CENTRAL PROVINCES AND BERAR EUROPEAN GOVERNMENT  
SERVANTS' ASSOCIATION.

[Continued.]

7. My Association does not desire to comment at length on the other ways in which conditions of service have deteriorated or may deteriorate, but as an illustration of the problems which are causing anxiety, a copy of a circular questionnaire\* issued by my Association to its members is appended as Appendix I to this Memorandum. The amenities of life of British officials in small and less important stations have greatly diminished; the absence of adequate provision for medical attendance by British doctors is causing grave anxiety; further, there is occasional difficulty in securing suitable housing accommodation caused by the improved standard of living of educated Indians—a difficulty which would be enhanced by any recrudescence of social or official boycott such as occurred during the days of active non-co-operation. These difficulties might be alleviated by such measures as the concentration of Europeans at the more important centres, and the introduction of a well thought-out scheme for medical attendance† by British doctors, but they are inherent

in the position of a small number of Englishmen scattered over a large country; and the possibility exists that these very difficulties may be used as a means to victimize particular officers—a form of victimization against which it might be difficult for the Governor to afford adequate protection. As a last resort, therefore, it is necessary that an officer who finds the conditions of his service made intolerable for him should be given the option to retire on fair terms. The fact that an officer could retire on such terms would in itself secure him a large measure of protection against such victimization.

8. In conclusion, the essential points which my Association wishes to emphasise as necessary to the well-being of the Services are—

- (1) The continuance of the right to retire on a proportionate pension to British officers at present so entitled, and the extension of that right to all those appointed by the Secretary of State and recruited after the 1st January, 1919;
- (2) the inclusion in the terms of retirement of compensation for loss of career to the above officers, to those not entitled to pension and to Specialist officers;
- (3) the concentration of British officers in stations where adequate medical attendance will be available for themselves and their families;
- (4) the acceptance of responsibility by the British Government for all liabilities towards the Services.

\* Not enclosed.

† Note.—In this connection it is observed that in the scheme recently announced, the number of civil posts in the Indian Medical Service has been reduced so considerably that it is apprehended that the result will be to deprive the Service of its attractions on the civil side. Further grounds for criticism of the new scheme are that while seven Civil Surgeoncies in this Province are reserved for the Indian Medical Service, the post of the Inspector-General of Civil Hospitals, the head of the department, is not so reserved. This latter fact in itself will deter most officers in the Service from electing for civil employment. In these circumstances, it is feared that the scheme will fail of its purpose and British Medical Officers required will not be forthcoming; meanwhile the number of British Medical Officers in this Province has decreased to a disquieting extent and most of those left are senior officers, who will retire in the course of a year or two.

**Note prepared by the United Provinces Association of European Government Servants for the All-India Association of European Government Servants on the Memorandum to be submitted to the Statutory Commission.**

My Council has considered the preliminary Memorandum submitted by the Bengal Association. It does not entirely agree with the statement made in paragraph 5 thereof that if no changes are made there is nothing to discuss. One point, at least, my Association considers should be brought prominently to notice, namely, that the right to retire on proportionate pension should not be done away with when it is known what action is to be taken on the Report of the Statutory Commission, even though no further changes are made. Further, in paragraph 11 (4) of the Bengal Association Memorandum it is desirable to note that in the case of the officers referred to therein the right to retire on proportionate pension should be continued indefinitely. In other respects my Council is in general agreement with the Bengal Association's preliminary Memorandum.

2. My Association considers that stress should be laid on the changes that have already taken place in consequence of the passing of the Government of India Act, 1919, on the conditions of service of European Government Servants in India. Europeans who were in service previous to the enforcement of that Act joined service on the understanding that the Secretary of State, the Viceroy, the Governors and the Lieutenant-Governors of Provinces were their masters and owned a single allegiance to the Crown. In the case of the transferred services the authority vested in the Local Government over officers employed in a Governor's province is now exercised in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the Minister in charge of the department. (*Vide Part I, Rule 10 of the Devolution Rules under the Government of India Act*).\* This constitutes a very definite change of master for all European Government servants employed in transferred departments, a change which has had marked effects. Further, in the Governor's Instrument of Instructions it is expressly laid down "that in considering the minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council." The Governor acting with his minister is thus influenced by considerations other than those of justice to the Government servants employed in the department and the efficiency of the work of the department in a way in which a Governor or Lieutenant-Governor was not previously influenced.

3. The minister is, it is true, appointed by the Governor under Section 52(1) of the Government of India Act and holds office during his pleasure, but no minister can in practice hold office for any considerable period unless he can command adequate support in the Legislative Council. Consequently the choice of ministers is limited by the composition of the Council, and a Governor is not free to choose the man who would make the best administrator. The Governor cannot change a minister easily. He has to consider, in dealing with officers of transferred departments, whether any action proposed by a minister which the Governor himself would not take singly is of such importance as to justify his differing from the minister—a difference of opinion which, if insisted on, might lead, if not to the resignation of the minister, at least to inharmonious working between the Governor and his minister. A Governor interested in the passing of an important Tenancy

Bill, in securing adequate provision in the Budget for some necessary object, or in defeating a troublesome resolution, is not likely to quarrel with a minister over an appointment to a selection grade, a promotion to the post of Superintending Engineer or a transfer to headquarters of an officer favoured by the minister. Political loyalty to his minister is a phrase which has been used to express the obligation a Governor acknowledges to a minister whose support in the Council is required. In consequence the power of the minister over the officers is great and that power is liable to be influenced by political considerations, by Council speeches and discussions, by the need for placating this individual or that section of the Council, by articles in the newspapers, often uninformed and ill-founded, and by racial considerations.

4. In the case of departments dealing with reserved subjects the Governor in Council exercises authority over the officers of the public services. In the United Provinces the members of the Council are the Home Member (Vice-President) and the Finance Member. The Home Member appointed by His Majesty by warrant under the Royal Sign Manual (*vide* Section 47(1) of the Government of India Act) is not so liable to political influence as a minister, but even to him and to the Finance Member, dependent as they are on the Legislative Council for votes in matters of finance and administration, political considerations are important.

5. The effect of the Government of India Act on all European Government Servants working under Local Governments in India has in short been that the political situation has frequently influenced adversely the conditions of their service. It has resulted in an almost complete change of master for the Government servant. Many officers have in consequence retired on proportionate pensions; many more, particularly men with families, would have gone had they not been deterred by the difficulty of securing a career elsewhere in a short space of time and the consequent hardship to which their families would be subjected.

6. The European Government servant's master has been changed without his previous consent. This point did not escape Parliament or the Secretary of State when the Reforms were introduced and measures have been passed in the Act and the Rules made thereunder to make the change acceptable. They are (i) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council shall not be submitted to the vote of the Legislative Assembly (*vide* Section 67 A of the Government of India Act, 1919) nor to the vote of the Legislative Council (*vide* Section 72 D of the Act); (ii) No officer may be dismissed by any authority subordinate to that by which he was appointed and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate in that service an officer who has been dismissed (*vide* Section 96 B of the Act); (iii) An officer appointed by the Secretary of State has the right of appeal against wrongs to the Governor, from him to the Governor-General in Council and thereafter to the Secretary of State in Council (*vide* Section 96 B (1) of the Act and Rule XVII made under Section 96 B(2) of the Act); (iv) Every officer appointed before the commencement of the Act retains all existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable (*vide* Section 96 B (2) of the Act); (v) The right to pensions and the scale and conditions of pensions of all persons in the Civil Service of the Crown in India appointed by the Secretary of State in Council is regulated in accordance with the rules in force at the time of the passing of the Act. Any variation or addition to the rules cannot adversely affect the pension of any member of the service

\* Note.—Under Rule X of the rules regarding the Civil Services in India made by the Secretary of State in Council under Section 26B(2) of the Government of India Act, 1919, a local Government may, for good and sufficient reasons (1) censure, (2) reduce to a lower post, (3) withhold promotion from or (4) suspend from office any officer of an All-India Service.

appointed before the date thereof (*vide* Section 96 B (3) of the Act); (vi) A Public Service Commission has been appointed which the Governor-General in Council must consult in cases of appeals against punishment before passing any orders on an appeal to him or before forwarding an appeal to the Secretary of State. The Commission may be consulted by the Governor-General in Council in cases of memorials and by Governors or Chief Commissioners before orders of punishment are passed. The Commission is further required to advise when requested by the Governor-General in Council or a local Government on questions affecting the conditions of service of All-India, Central or Provincial services, and the Governor-General in Council must take the advice of the Commission on questions as to the extent to which officers of the All-India Services and Central Services, Class I, are affected by the abolition of any post or classes of posts; (vii) The Governor is required by his Instrument of Instructions "to safeguard all members of the services in the legitimate exercise of their functions and in the enjoyment of all recognized rights and privileges and to see that the Government order all things justly and reasonably in their regard;" (viii) Certain officers are permitted to retire prematurely on proportionate pension.

7. The measures quoted in the preceding paragraph are in themselves but necessary and inevitable and no change that may be introduced should in any way weaken the protection they afford to European Government servants. The protection afforded by the Act of 1919 to European Government servants should be continued in any amendment or alteration of the Act of 1919; the protection afforded by the Rules made under the Act should be continued in subsequent or amended Rules.

8. The last of the measures of protection quoted in paragraph 6, viz., the right prematurely to retire on proportionate pension will only continue in force until the action proposed to be taken on the report of the Parliamentary Commission is known (*vide* Government of India, Home Department, Notification No. F-267, dated July 5th, 1922). My Council considers that, without the protection afforded by the right to retire prematurely on proportionate pension, a European Government servant is inadequately protected against adverse political influences. His pay and pension are indeed secure provided he is not reduced, refused promotion, or suspended. He retains all existing and accruing rights. He possesses a right of appeal in the last resort to the Secretary of State and the Governor is required to protect him. But still he is the servant of the Governor acting with his Council or Minister and may be unjustly reduced, refused promotion or suspended owing to political pressure; the exercise of the right of appeal is a long, slow and laborious business; the Governor's protection, as already shown, may be valueless; and his right to retain all existing and accruing rights is a vague and indefinite right, hard to define and to claim. The one protection under which he can take shelter without delay is that afforded by the right to retire on proportionate pension which the Secretary of State has granted in the Premature Retirement Rules made under Section 96 B (2) and (3) of the Act—(*iv* of the preceding paragraph). This right to retire on proportionate pension is the safeguard most

valued by European members of the Services against unjust political influence. If it is taken away, an officer cannot resign from the service without loss of all right to pension and he will be liable to injustice against which the only remedy remaining will be the trying process of appeal.

9. While then none of the existing measures for the protection of the services should in any case be abrogated in consequence of the changes that may ensue on the report of the Statutory Commission, the right to retire on proportionate pension should be continued till the end of their service for all officers now in possession of that right, and should be granted to all officers who may be affected by those changes in a way similar to the officers to whom that right has been granted. In this connexion attention is invited to the orders of the Secretary of State in Council contained in letter No. F-462/27-Ests., dated New Delhi, March 26th, 1928. Under these orders an officer in a reserved service which may become a transferred service is given the option of retiring on proportionate pension, but this option is only open for one year. This suggests that in the opinion of the Secretary of State in Council the keeping of the option open for one year is sufficient. But, as already pointed out, one year is insufficient. An officer may, under existing conditions, go on contentedly for several years without meeting with any injustice or difficulty. He may then find himself under a new Minister with political or racial bias and be subjected to unjust treatment. His position depends on the personal equation of the Minister. Consequently if the right is restricted to one year, an officer will have at once to consider this possibility, and it is probable that many more officers will, as a result, avail themselves of the right, with consequent harm to the services, than if the right were continued indefinitely. Again if the right to retire is required to be exercised within one year, the proportionate pension earned under the existing rules is far from sufficient compensation for the disturbance and loss of career involved. *No protection of the Services can be accepted as adequate by European members of the services, whether or not further changes in the conditions of their service are made, without the extension to the end of their service under Government of the right to retire on proportionate pension.*

10. The rupee has now been stabilised at 1/6 (one shilling and sixpence). It is possible that this rate may again be altered. In the event of its being lowered, the necessary safeguard should be provided in the form of Exchange Compensation Allowance, which should be given on the whole of the rupee pay, on existing balances in the Provident Fund and on future subscriptions to the Provident Fund. To secure this, my Council urges that Exchange Compensation Allowance should be given on the whole of the rupee pay, less provident fund subscriptions; and that on retirement, or for the purpose of the payment of premia on insurances paid from the Provident Fund subscriptions, Government should convert the officer's holding in his Provident Fund or his remittances for payment of insurance premia into sterling at a rate not less than 1/6 to the rupee. Statutory protection on these lines against a fall of the rupee should be given in changes of the Act or Rules that may result as a consequence of the Report of the Statutory Commission.

## CALCUTTA.

18th January, 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE BENGAL PROVINCIAL COMMITTEE.

## Deputation from the All-India Association of European Government Servants.

The deputation consisted of :—

- Mr. C. J. IRWIN, I.C.S., Commissioner, Jubbulpore Division, Central Provinces, representing the superior civil servants on the reserved side.  
 Mr. A. T. WESTON, M.Inst.C.E., Officiating Director of Industries, Bengal, representing superior civil servants on the transferred side.  
 Mr. S. W. REDCLIFF, M.Inst.E.E., Senior Electrical Advisor to the Government of Bengal, representing European officers in posts equivalent to those in the superior civil services, but employed under contract by local Government with salary votable.

210. *The Chairman* : I understand, gentlemen, you are a deputation from the All-India Association of European Government Servants?—(*Mr. Irwin*) Yes.

211. We all have your memorandum. My colleagues will observe that the document begins with a memorandum from the general body, the All-India body, but bound up with it are memoranda from the various branches in Bengal, Madras, Bombay the United Provinces, the Punjab, the Central Provinces, and Assam?—Yes.

212. Let us be clear who you three gentlemen are. Mr. Irwin, you are Commissioner of the Jubbulpore division, and you will be mainly engaged on the reserved side?—Yes, entirely.

213. I am a little surprised at your saying entirely. I would have supposed that on occasions, communications passed through you on the subject of local government?—Yes.

214. And education?—Yes.

215. And those are on the transferred side?—Yes.

216. Mr. Weston, as officiating Director of Industries, your main work would be on the transferred side?—(*Mr. Weston*) Wholly on the transferred side.

217. Though, of course, you are an All-India civil servant?—Yes.

218. You, Mr. Redcliff, as senior electrical adviser to the Government of Bengal, represent European officers in posts equivalent to those in the superior civil service, but employed under contract by local Government?—(*Mr. Redcliff*) Not only those, but all specialist officers.

219. To put the thing in another way, your salary is votable?—Yes.

220. Whereas Mr. Irwin's and Mr. Weston's salaries are not voted?—(*Mr. Irwin*) Yes.

221. That is a distinction one can understand. We have looked at your document, Mr. Irwin, but I should like you to pick out for me the main points to which you want to call our attention?—In the first place, we do not know what is going to happen and we do not wish to offer any political views at all; we come before the Commission merely in order to protect our own interests. To ensure the protection of our own interests, in paragraph 4 of our memorandum we have asked for the continuance of certain safeguards. Those safeguards may be divided into safeguards ensuring security of tenure by the control of the Secretary of State, and financial safeguards. In paragraph 4 we have not only set out those safeguards, but we have indicated that we should expect compensation if those safeguards were removed. I should add that we have two precedents

for the type of compensation for which we have asked: one is the Egyptian precedent, and the other (a very similar precedent) will be found in the report of the special Commission on the constitution of Ceylon. In paragraph 5 we have emphasised the financial position. We are instructed by our Association to bring before the Commission that there is a distinct anxiety as regards the security of pensions and similar payments, i.e., provident funds and family pension funds, in addition to pensions. The position at present is that as regards security generally, if we consider, when the change (if there is a change), is brought in that our tenure and our financial position will be insecure, some of us (that is to say, those in the All-India services) are entitled to go on proportionate pension. Quite a number of European officers is not entitled so to go. What we wish to ask for is that we should not be compelled to decide immediately on the report of the Commission.

222. If I remember rightly, the story about that is this, is not it? When the Montford scheme was adopted, of course it was plainly right to recognise that All-India officers already in the service might consider that the fundamental conditions on which they had joined were being changed, and therefore they must be given an opportunity of withdrawing if they wished, notwithstanding that they had not finished their full length of service. There is a provision in the Act, the proviso to section 96 B, which says: "Provided that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." Then I think some premature retirement rules were made, which enabled a gentleman in your position, or in that of Mr. Weston.—(*Mr. Weston*) That right has only recently been extended to me in a conditional form; that is to say, being a specialist officer I may apply, but I have not been given the right. Neither have officers in the Central services that right.

223. Let us confine it to those to whom it did apply. They were in a schedule. One may say the All-India officer in the normal case had the right of saying, not only at once, but at any time down to the time indicated, whether he preferred to retire. The time indicated is "when the action to be taken" on the report of the Parliamentary Commission is "known." I understand you to say that supposing there are changes made in the constitution of British India now, the officers who have this right of retirement ought not to be required to decide instantly: is that the point?—(*Mr. Irwin*) Yes. The present position is that the option shall continue in force and may be exercised until the action proposed to be taken on the report of the Commission is known, when the whole position will necessarily be reviewed. That is how the thing is put. The point that we wish to emphasise is that we have concluded, probably not unnaturally, that some change is inevitable, and we do not want to go at once, or until at all events we have had a considerable chance of assessing the value of that change and seeing how

it affects us. In addition, however, to the changes brought about by whatever the Commission may report, there is a good deal of what I may call somewhat intangible change. The position of the services, as I have said, is regarded as insecure, and there is a good deal of anxiety about their future. They do not believe that their position is going to improve. The conditions of service in India are certainly not as attractive as they were, let us say, 24 years ago, when I joined. With the natural development which we must expect of political conditions in India, it is not likely that conditions of service will not fail, from our point of view, to deteriorate. I have dealt with our paragraph 7, which asks that the option to retire on proportionate pension should not lapse, and I should add that it should be extended. In our paragraph 10 we deal with European Government servants who are not protected by the safeguards we have gone into earlier in the memorandum.

224. I take it Mr. Redcliff would be an example?—He is a very good example. We have not dealt anywhere with the Central services, as you have probably observed. The position with regard to the Central services is this. At present those appointed by the Secretary of State have the safeguards which we have set out in paragraph 4. If any of those safeguards is to be removed, they should be allowed the privilege of the option to elect for premature retirement, plus compensation such as we have asked for.

225. That is not in your document, is it?—No, it is not in our document, but we have been instructed to bring it to your notice by the All-India Association, the reason being that the conditions of service of European Government servants in the Central services are likely to change if there are any drastic changes elsewhere; there will be a repercussion on the Central services. There are others in the Central services who are not appointed by the Secretary of State. The case is rather complicated; circumstances vary very considerably, and it is very hard to generalise.

226. Take an instance that is suggested to me by Mr. Stewart, who, of course, has a special knowledge of this, because he was secretary to the Lee Commission. He was suggesting to me the services of the Central audit. The Central audit is not appointed by the Secretary of State; it is appointed by the Government of India?—That would be one. The Geological Survey was a department I was thinking of. It has both officers appointed by the Secretary of State and officers appointed by the High Commissioner on behalf of the Government of India. Well, for those officers who are not appointed by the Secretary of State we consider that they should be given the same benefits as those allowed to officers who were appointed by the Secretary of State if there is any change in the conditions of their service. They joined with the expectation that the British Government would see them through, just as the officers appointed by the Secretary of State, and we consider that if the conditions of their service are changed they should get the same benefits as officers appointed by the Secretary of State, and that the Secretary of State should enforce these benefits. At present the Central services have not got the privilege, as I have said, of premature retirement. Well, in their case the circumstance I have mentioned before applies. It is felt by a large number of officers that the general circumstances of service may change owing to changed conditions in other inter-related services. I do not wish to ascribe any bad motives to anybody in making this statement, but one of those circumstances undoubtedly is the progress of Indianisation. Well, that is as far as regards the Central services. You will see that in our paragraph 10 we have mentioned certain officers belonging to the Central services, and the classes we have mentioned there will show the Commission how conditions of service vary. Paragraph 10 is on page 58. With regard to specialists, what we really want is that paragraph 61 of the Lee

Commission Report should be enforced in their regard. That paragraph, briefly, proposes to give specialists the same general position as has been given to the superior services. In many cases they have a reasonable claim to expect continuity of employment, or compensation if that employment is terminated. I should like to add there also, in connection with continuity of employment, that even officers with technical qualifications, after they have served under the conditions in India, find it very hard to obtain employment in their professions out of India. The fact of having worked a long time under Indian conditions in a great many ways unfits them to take up similar employment elsewhere.

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229. \* \* \* \* \*—(Mr. Irwin): I should add about that proviso\* that the services are not at all satisfied with the interpretation which has been put on it. We have been told that it does not cover, for instance, the abolition of appointments to which we can be promoted. I can refer the Commission, if necessary, to the letter of the Secretary of State about that, but there has been a considerable amount of feeling among the services about the interpretation put on that proviso; and in any future Act I think it would be desirable, if it could be done by re-drafting, to make that safeguard a good deal stronger.

230. May we just follow that, because I am all for doing something practical, or at least understanding it in a practical sense. The present proviso says that the officers covered by it shall retain all their existing or accruing rights, or shall receive compensation for the loss of them. Now, I gather that the view that has been taken is that existing or accruing rights, and compensation for the loss of them, is one thing; but that the possibility that an officer might be promoted before the end of his time—that is to say, to a Governorship, or something of that sort—is not within the words existing or accruing rights?—May I interrupt, sir?

The Chairman: Yes, certainly.

The Witness (Mr. Irwin): We were not thinking of Governorships at all. We were thinking of ordinary posts on the cadre of the services, at the top.

231. Commissionerships?—Commissionerships for example. That is the instance that is actually taken by the Secretary of State in his despatch on the subject. May I read you a passage from it showing that?

232. I am very much interested in what you say. Let us suppose a man comes out; he has finished his time at Oxford or Cambridge; he has got through Indian Civil Service. It may be that he has done three or four years' service when the Act of 1919 comes into force. Then he reflects; he is perfectly well in health, and so on; and up to the present is doing satisfactorily; but he comes to the conclusion that the career he had hoped to follow is no longer the career which he thought it was when he entered the service, because he hoped he would have been in due course promoted, and become, it may be, a commissioner under a system which is pre-Montagu. Do you say that in determining the compensation which he is entitled to under this section, if he decides to retire, as he is entitled to retire?—No, I was not referring at that time to determining the compensation on retirement; I was referring to the claim that we made that we should obtain compensation by the creation of what are known as selected posts in the place of posts which we considered we had a right to expect to be promoted to if those posts were abolished. There have been a large number of proposals to abolish commissionerships, the posts of superintending engineer, and so on; that is to say, the posts at the

\* i.e., Proviso to Sec. 96 B of the Government of India Act.

top, the plums of the service that people expect to get to, when they can sit down and perhaps save a little money at the end of their service.

233. It is no use my saying "Oh, yes" if I do not follow it. I really do not. I can understand a man saying, "Well, I have thought it over, and I am going to stick it out." That is the end of that. I can understand a man saying, "I have thought it over, and I have decided to retire and get compensation." I can understand that. Are you now contemplating a man saying "I have thought it over, and I am not going to retire, but though I am not going to retire, if hereafter commissioner-ships are to be abolished I ought to remain in the service, but to be compensated"?—The point is that it is an attraction to remain in the service if you are going to be promoted, let us say to Rs.3,000 a month. If commissionerships are abolished, as has been proposed in more than one province, no officer in my service will ordinarily get more than that, whereas when he joined the service he always expected to get up to that pay.

234. I think we are doing something I had no intention of doing. I am not arguing the merits of it in the least; I only want to know what it is that you mean. Are you referring to the position of a man who decides not to retire, but in whose case the prospect of ultimately becoming a commissioner is rendered impossible because commissionerships are abolished?—Yes.

235. \* \* \* You said that a particular construction or application of this thing was not satisfactory to some people. I want to know whether the unsatisfactory case is a case where the man has retired?—No.

236. Or whether it is a case where he stops on?—Yes, it is the case where he stops on.

237. Then if he stays on, why should he have compensation?—Not compensation, but another post should be added to the cadre, or that one of the posts, let us say, of deputy commissioner in the case of my service, should be given the pay that he would have expected to get if he had been commissioner.

238. *Lord Burnham*: As I understand, the witness is speaking of the expectancy of office of a man who made a miscalculation. He may have allowed, I understand, for the fact that Indians were being brought into the service in a larger proportion, and that that would absorb a larger number of the posts of special responsibility, but he did not allow for the vagaries of the legislative council in abolishing some of these, or causing some of these posts to be abolished. He made a miscalculation in his expectancy of promotion: is not that so?—You can put it that way if you like.

*Lord Burnham*: I am not putting it at all in a hostile sense.

*The Chairman*: Nor I.

*Lord Burnham*: I am thinking of the man who, wishing to do good service to India, decided to remain on, knowing that there would be a decreasing number of posts to which he might aspire, but then, in addition to that, some of these posts, half of them or 25 per cent., are done away with. I have known cases in the civil service at Home in which that was considered in regard to civil service terms.

239. *The Chairman*: What I find it difficult to follow is the remedy which this deputation propose. I gather it takes the form of awarding the gentlemen in question an increased salary?—It is not one of the things we are asking for in the memorandum, and perhaps I ought not to have raised it at this juncture; but it has been asked for, and as you mentioned this proviso I thought I had better say there was this feeling in the service about it—that they were being deprived of accruing rights.

240. *Lord Burnham*: Shortly, what you are asking for is the continuation of the right to retire on proportionate pension; you do not ask for increase of salary for the time being, but that the right to retire given you under the Montagu settle-

ment should be extended for a further period?—That is the main thing.

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*Mr. Irwin*: I should like to draw the attention of the Conference to paragraph 11. I should like to mention the fact that there are considerably fewer officers now than there were after the original introduction of the Reforms who have any desire to leave India, but we have got to protect our own interests. Numbers of us have families to consider, and that is why we come before the Commission. But we do not want to go. One of our constituent Associations has pointed out that it is quite possible that in consequence of changed conditions a considerable amount of thought will have to be given to the position of the services, and they suggest that that will require a separate inquiry on the lines of that made by the Lee Commission. I have been asked to put that before the Conference.

242. *The Chairman*: I think those are the main things. We are all very much obliged to you, Mr. Irwin. Looking at page 57 of your document, I see your Association is speaking on behalf of something like 1,320 officers, most of them members of the superior civil services; but you say "Officers of the Police and the Indian Medical Service and other officers of the Army in Civil employ are precluded by the orders of Government from joining the Association"?—Yes.

243. But taking the range which your Association might cover, does it in fact include in its membership the great majority of the officers?—Yes. If you will look at the other memoranda you will see that of the officers eligible by our rules (that is, officers appointed by His Majesty or by the Secretary of State), in the Central Provinces we have 93 per cent. in the Punjab (I do not know how it is worked out; I have endeavoured to ascertain, but it is difficult to know on what they base their figures of eligibility) it is only 65 per cent. in Madras, 95 per cent. of the All-India services. In the other provinces it is probably not so high; I have not been able to get the exact figures, but if the Commission is interested we can procure them. We can assure the Commission, I think, that of the people eligible we contain the majority. I should add that, of course, a number of high officials are excluded by the nature of their office; for instance, the Chief Secretary of a province is usually excluded.

244. Yes. I will just add one thing. I see, looking at the report of the Lee Commission, that paragraph 83, dealing with the safeguarding of pensions contains a passage which I think is of some value to your Association, and therefore I should like to read it. They refer there to the apprehensions of the services, that they express grave concern at the prospect of future constitutional development, and so on, and they say, "We do not share this apprehension under existing circumstances, and we assume that if any constitutional change is made hereafter involving the transfer of the financial control in this regard now exercised by the Secretary of State in Council, adequate provision will at the same time be made for safeguarding service pensions." That seems to me a quotation of some usefulness to you?—Yes; that is exactly what we are asking for.

245. *Lord Burnham*: I am not quite clear as to the terms of service. Is it the case that no civil servant, whether All-India or Central, can retire without permission from the authority under which he serves—before, I mean, he is fully qualified for his pension?—Yes, he can apply to retire and go.

246. The Chairman points out to me he has a right if he has been appointed by the Secretary of State under the terms of the Statute, but if that right were extended, would it be subject to the permission of the authority under which he serves?—Do you mean under the premature retirement rules?

247. Yes?—Under the premature retirement rules, so far as I know, he can demand to retire.

248. My point is this. If it is a question of extending the right to retire on proportionate pension on a big scale, it might of course, make things very difficult for a period of time for the Government of India, and I want to know whether you contemplate making all applications for the right to retire on proportionate pension on account of discontent with further changes dependent on the permission of the authority?—No, we do not.

249. You mean it to be an absolute right, that a man may say "At the end of six months or a year "I am going"?—As soon as it is convenient to you."

250. That is the point?—I mean, that would merely be a matter of a few months. One would not necessarily throw in one's hand at less than a month or two's notice. I will read you the rule, if you would like to get it absolutely accurate. The rule on that subject (rule 5) is as follows: "Applications when received by local Governments will be forwarded with their recommendations to the Governor-General in Council and will be transmitted by him to the Secretary of State, whose orders will be required before any officer is finally adjudged entitled to the new concessions. The Secretary of State in Council reserves to himself the right to postpone the acceptance of the resignation of officers until suitable arrangements can be made for their replacement. Officers who are not allowed for this reason to retire immediately will be permitted to retire as soon as the exigencies of the service to which they belong permit."

251. That was exactly my point. I wanted to know whether you intended that condition to apply to the application you are making to extend the right to proportionate pension?—Yes, provided the last portion is reasonably interpreted. It could not mean that we should be compelled to serve another five years.

252. You can hardly fetter the Secretary of State by the provision that he must interpret his duties in a reasonable spirit; that you must assume?—Yes.

253. I asked the question because there was a fear, when the so-called Reforms were carried through, that there would be a wholesale disappearance of the civil service, which, happily, did not eventuate. What increase in the proportion of the services entitled to proportionate pension would your proposals involve? Have you calculated that?—We have not worked that out. (*Mr. Weston*) You cannot know how many will exercise their option.

254. No, but what percentage of public servants here would get the additional right to retire on proportionate pension under your proposals, as compared with those who had it before?—(*Mr. Irwin*) It would mean working out figures from the combined civil list, and that would take time. I could not give you even an approximate answer offhand, but I can work it out if necessary.

255. *Mr. Kishabhai Premchand*: At page 58, you say: "It is possible that in the future these revenues will be controlled by a National Government," and so on. May I know what are your reasons for suspecting that the administration under a scheme of responsible government will not ensure the sacredness or integrity of your contract?—Of our pensions? This refers to pensions.

256. Yes?—We have had pronouncements (I have not the chapter and verse for them here) by politicians of one sort or another in India to the effect that they did not see why they should go on paying pensions to people in England. That statement has been made. Also, I should like to read to you on that point a sentence from the report of the All Parties Conference, which I think, as the latest pronouncement on the question, is relevant. They say "In respect of the emoluments, allowances and pensions they"—that is to say, the services—

"would be entitled to on the establishment of the Commonwealth, we have provided a statutory guarantee. It is, however, our duty to point out that the Lee Commission was appointed in the teeth of Indian opposition, that its recommendations were adopted over the head of the Indian Legislature, and we feel that the entire question of the source and method of recruitment of the services, their salaries, emoluments, allowances and pensions in the future will require re-examination in the light of the new political conditions created under the new constitution."

257. It is in the light of that apprehension that you are asking for this? On the same page, paragraph 8 says, "The members of my Association have always regarded medical attendance on themselves and their families by European doctors as one of the most essential conditions of service in India." Has your Association considered this proposition from a purely practical point of view? If so, how might arrangements be made to provide European male and female medical practitioners throughout India?—We have not asked for female practitioners, so far as I know.

258. Men?—I can only say that, for instance, at the beginning of my service I should think two out of three districts in my province had European medical officers—probably more. Now the proportion is something like one in five or one in four. It comes to this, that if an officer for the treatment of himself or his family has this prejudice, which exists (I do not say it should or should not exist, but it does exist), and wants to have a European doctor, he has frequently to go or to send a matter of 150 to 200 miles.

259. There may be one or two European officers in a district, and you do not want a special European doctor for them?—That is another difficulty. Now we have a good many districts where there are one or two European officers. In that case you cannot give a doctor to one man. That is quite obvious.

260. Some Indian doctors have medical practice in England, too?—I have been attended by Indian doctors frequently. I have no prejudice.

261. If the Indian doctors are quite good in England, they would be equally good for European officers in India, too?—My instructions are from my Association. There are a very large number of European officers who have a prejudice. I may point out that one of the matters in respect of which the prejudices of people in this country are considered more than anything else is medical attendance on their families. I think that the European officer is entitled to his prejudice.

262. Is not that asking too much?—I leave that to the Commission to decide.

263. *Sir Hari Singh Gour*: I draw your attention to page 58, wherein, speaking of special protection to the services, you say, "Further, the right to retire prematurely upon such terms should be unqualified, and should be a continuous option lasting throughout the period of each officer's service." You want that all servants belonging to the superior service should have the continuous option during their service?—Yes.

264. If that option to retire during the whole period of service were given to them, do you think that would be reconcilable with the altered constitution that might be given to this country?—I know nothing about the altered constitution and I have no instructions to argue on that point.

265. With regard to the option to retire for the members of your service you have given your reasons, that is that they might be affected by the future constitution. That is perfectly right. But that is only a justification for giving you a reasonable time within which to make up your mind?—Do you want me to give you further reasons why it should be continued?

266. Yes?—As I have said before, we have the precedent of the Ceylon case. I have drawn attention to the fact that the attractiveness of the service and



general conditions cannot be as favourable in the future as they have been in the past, and a large number of officers feel that they would like to be able to go at any time. There are a good many, as you probably know, who would make up their minds to go if a pistol was put to their heads. On the other hand, when the concession is extended a number of those officers will say: "If we get that we will stay; otherwise, we will go." That position will continue, and as I have indicated, it does not only result because the service suffers a definite change. There are conditions in which people find the general position difficult. They may find that relations with the other services in which the conditions are changed, become—I will not say impossible, but—difficult.

267. I quite see your point, and that is a very good justification for giving you more time to decide. But what I am driving at is this. I have not been able to see any reason why you should have a continuous option for the entire length of your service?—That is the period we ask for.

268. Will you give the employer also a similar option of asking you to retire on proportionate pension?—Certainly, if the employer will give us compensation.

269. He will not give you compensation any more than you give?—That I think is rather a good justification for what we have been asking for in this memorandum.

270. I am not expressing any view at all. I am simply asking you a question whether you give a similar option to your employer also?—I will not.

271. What is the anticipation of the civilian? Is not the appointment to the commissionership by selection? Is every civilian entitled to be appointed as a commissioner on the ground of seniority, or is it a selection post?—It is a selection post.

272. Consequently it cannot be described as an accruing right?—That is a question which a lawyer of your eminence is much more fitted to decide than I. All I can say is that the services think so.

273. You say that if the commissionerships are abolished the members of your service want that special posts should be created?—Yes.

274. But supposing there was no reason for the continuance of the posts of commissioner, there would be equally no reason for the creation of special posts. The creation of a special post with similar emoluments as those of a commissioner would be really changing the phraseology, is it not so? If there is no necessity for the continuance of the post of a commissioner, there would be no necessity for the creation of a special post on public grounds because there will be no work?—What we did ask when there was a question of the abolition of a commissionership was that the senior deputy commissioner should get the pay of a commissioner. That was not creating a new post. It was merely giving the man who has got to the top of the deputy commissioner's grade the same pay as that of a commissioner.

275. That, of course, would not be consistent with the policy of economy upon which the abolition of commissionership might be based?—There would be some saving. One of the methods which was proposed in the Central Provinces for getting rid of the commissioners when Government refused to do so was that the council refused to vote the pay of the establishments of these officers. The pay of these establishments would be saved, plus the difference between the pay of the commissioner and the deputy commissioner.

276. You have referred to the report of the All Parties Conference. Will you kindly read the extract you have read once again and refresh your memory. You will agree with me that it only deals with future recruits; it does not deal with people who have

acquired a vested right in the service. You will see if you kindly read it that every right is safeguarded to the existing members of the service?—What they say is that "in respect of emoluments, allowances and pensions they would be entitled to on the establishment of the Commonwealth we have provided a statutory guarantee," and if you look at the statutory guarantee, which is to be found on page 121 of the report, it is extraordinarily vague. Paragraph 81 on that page says, "Parliament—that is to say the Indian Parliament to be set under the new Constitution—may make laws for regulating the classification of the civil services in India, the sources and methods of their recruitment, the conditions of service, pay and allowances, and discipline and conduct."

277. That is for new recruits?—It is not so stated in the statutory guarantee.

278. Your statement that the members of the service are apprehensive of the danger threatening their vested rights is not borne out by the All Parties Conference report?—I think the sentence I read out originally bears it out.

279. That is not about the persons who are already in the service?—It does not say in so many words, "we are going to do away with your pensions and so on."

*The Chairman:* What strikes me about it is this. Having regard to the many precedents there is nothing that anybody need resent in the condition that if there is a considerable change the officials who have been recruited by the Government should be given statutory protection. It is not necessarily a reflection on anybody. It is true that some such apprehension exists in almost every case where there is a very substantial change in the constitution, as for instance in the setting up of the Irish Free State Government. I fancy something of that sort—without making any reflection upon anybody—is not unreasonable.

*Sir Hari Singh Gour:* I quite recognise the reasonableness. But why I join issue with them is when they support their argument with reference to the report of the All Parties Conference and say that that supports their apprehension. There is nothing in the report for such an apprehension.

*The Chairman:* People are sometimes quite honestly apprehensive even though other people think that the apprehension is ill-founded. It is possible that the interpretation of the words is different in different minds.

280. *Sir Hari Singh Gour:* Is it not a fact that under the Civil Service Regulations a person who is appointed to a post loses the right to that post or to the post to which he looks forward if either of these posts is abolished altogether?—I have not looked it up. Can you refer me to the regulation?

*Sir Hari Singh Gour:* I have not got the Civil Service Regulations here.

*Lord Burnham:* There are many cases of compensation given on the abolition of a post.

281. *Khan Bahadur Farouqi:* You suggest in paragraph 8 on page 57 of your memorandum that compensation should be granted not only in the case of those persons appointed before 1919, but also in the case of those who accepted service since 1919. May I point out that the declared policy of the Government is the gradual Indianisation of the services? Do you think that there is any justification for claiming compensation for those officers who accepted service with a full knowledge of this fact?—Yes, certainly I do. The services whom I am sent here to represent undoubtedly think so. The position has developed very considerably since those officers took service and they anticipate it will develop still further. That is the ground for apprehension with regard to their service, and that is why we are asking for this.

## APPENDIX TO EVIDENCE OF BRITISH INDIAN ASSOCIATION.

APPENDIX (*vide* Q. 181, p. 44 and Q. 219, p. 45).

D.O. LETTER No. 168 A.R., dated the 22nd February, 1929, from Mr. W. S. Hopkyns, C.I.E., I.C.S., Special Reforms Officer, Bengal.

During the examination of the British Indian Association's representatives, at Calcutta, the Chairman asked whether figures could be supplied showing incomes of tenure-holders derived from rent.

The Revenue Department report that such figures are available only for the district of Mymensingh, in which the Settlement Officer prepared figures. I enclose the statements with explanatory notes, which have been prepared by the Revenue Department from the Settlement Report.

It should, however, be remembered that Mymensingh District, a large part of which was uncultivated at the time of the Permanent Settlement, is far from being typical of the whole province. The incomes of tenure-holders are probably larger in Mymensingh than in most other districts. A more correct idea of the average income per head of the rent-receiving classes (both proprietors and tenure-holders) may be obtained from the estimates made by the Settlement Officers, who prepared the records of rights in Dacca and Jessore districts. These estimates were Rs60/- in Dacca and Rs42/- in Jessore, these figures including receipts from *salami* and similar perquisites, but without the deduction of cess.

## DISTRICT MYMENSINGH.—(FIGURES GIVEN IN THE MYMENSINGH SETTLEMENT REPORT).

	In own possession.		Let to first grade tenures.		Let to second grade tenures.	
	Acres.	Annual value. (conjectural)	Acres.	Rent.	Acres.	Rent.
PROPRIETORS .. .. There are 45,356 groups of co-sharers with Joint Collections.	516,024	1,106,217	1,306,000	842,070	—	—
1ST GRADE .. .. Tenure holders. There are 111,106 entries in the record (t).	256,537	829,682	—	—	162,103	156,023
2ND GRADE .. .. Tenure holders. There are 30,901 entries in the record (t).	43,634	114,494	—	—	—	—
	816,195	Rs2,050,393	—	Rs842,070	—	Rs156,023
	Let to third grade tenures.		Let to ryots.		Gross profit after deducting only Revenue paid to Govt. or rent paid to superior landlords.	
	Acres.	Rent.	Acres.	Rent.		
PROPRIETORS .. .. There are 45,356 groups of co-sharers with Joint Collections.	—	—	2,016,495	5,445,161	6,596,509	
1ST GRADE .. .. Tenure holders. There are 111,106 entries in the record (t).	—	—	887,471	2,453,656	2,597,891	
2ND GRADE .. .. Tenure holders. There are 30,901 entries in the record (t).	17,817	34,677	100,652	434,489	427,037	
	—	Rs34,677	3,004,618	Rs8,333,306	9,621,437	

(t) Many tenures have more than one entry, as they occur in more than one village. There may be many co-sharers in a tenure. The area let to third and lower grade tenure-holders is small.

## 1ST GRADE TENURE-HOLDERS.

		Estimate of the cess payable by the 1st grade tenure-holders out of their own pockets, excluding the amount received by them from their under-tenants and passed on to the proprietors.	
(1)	(2)	(3)	(4)
(a) Estimated annual value of land of all kinds in own possession .. .. .	829,682	829,682 × 1 =	51,855
(b) Rent received from 2nd grade tenure-holders .. ..	156,623	156,623 × $\frac{1}{2}$ =	4,894
(c) Rent received from the ryots under 1st grade tenure-holders .. .. .	2,453,656	2,453,656 × $\frac{1}{2}$ =	76,677
		16	
Total .. .. .	3,439,961		133,426
(d) Deduct rent paid to superior landlords .. .. .	842,070	842,070 × $\frac{1}{2}$ =	26,314
		16	
	2,597,891		107,112
	107,112		
Net cess paid .. .. .	2,490,779		
Balance .. .. .			

The number of 1st grade tenure-holders is not known. The number of entries of 1st grade tenures in the record is 111,106, but many tenures have more than one entry, as they occur in more than one village. There may be many co-sharers in a tenure.

## EXPLANATION OF THE CESS CALCULATION IN CASE OF 1ST GRADE TENURE-HOLDERS.

(a) The cess has been calculated at 1 anna per rupee on the estimated valuation of the lands in the immediate possession of the 1st grade tenure-holders.

(b) The 2nd grade tenure-holders pay to the 1st grade tenure-holder the whole of the cess calculated at one anna per rupee on the valuation of their land, less half an anna per rupee on the rent payable by them to the 1st grade tenure-holders. It follows that the 1st grade tenure-holders have to make up this deficiency, less the deduction calculated at half an anna per rupee on the rent they themselves have to pay.

(c) The Bengal Tenancy Act ryots, who pay the rent may be:

- (i) cess tenure-holders,
- (ii) cultivating ryots,

according to certain definitions peculiar to the Cess Act.

We do not know how much of the rent of Rs2,453,656 is paid by class (i) and how much by class (ii), but the result is the same in either case. In case (i) the same considerations apply in (b) above. In case (ii) the valuation is the ryots' rental, and the cultivating ryot under the Cess Act has to pay cess to the landlord (here the 1st grade tenure-holder) at half an anna per rupee. Hence it follows that the 1st grade tenure-holder will have to pay the other half-anna, less the deduction which he gets on the rent paid by himself.

An illustration will make this clear:

Case (i)	Rent paid
1st grade tenure-holder .. A	Rs 5
B.T.A. ryot .. .. . B	.. 10
Nil	

Case (ii)	Rent paid
1st grade tenure-holder .. A	Rs 5
B.T.A. ryot .. .. . B	.. 10
B.T.A. under-ryot .. .. C	.. 16

In case (i) B is the cultivating ryot under the Cess Act. In case (ii) B is a cess tenure-holder under the Cess Act and C is the cultivating ryot. In case (i) the valuation is Rs10 and the cess -/10/- annas. In case (ii) the valuation is Rs16 and the cess -/16/- annas.

The payments are as follows:—

Case (i)		
Receives	Pays	Difference
C — .. ..	— .. ..	—
B — .. ..	-/5/- .. ..	-/5/-
A -/5/- .. ..	-/7/6 .. ..	-/2/6
		-/7/6

Case (ii)		
Receives	Pays	Difference
C — .. ..	-/8/- .. ..	-/8/-
B -/8/- .. ..	-/11/- .. ..	-/3/-
A -/11/- .. ..	-/13/6 .. ..	-/2/6
		-/13/6

Hence in either case the net amount payable by A from his own pocket is the same and is equal to half an anna per rupee on the rent received from B, less a deduction of half an anna per rupee on the rent payable by A.

(d) The deduction at the rate of half an anna per rupee on the rent payable by the 1st grade tenure-holders is shown here.

(e) This represents the net amount payable by the 1st grade tenure-holders from their own pockets to their landlords, the proprietors of estates, excluding the amount received from their tenants which they merely pass on to the proprietors.

## 2ND GRADE TENURE HOLDERS.

					Estimate of the cess payable by the 2nd grade tenure-holders out of their own pockets, excluding the amount received by them from their under-tenants and passed on to the 1st grade tenure-holders.				
					Rs.				
Estimated annual value of land of all kinds in own possession ..					114,494	114,494	×	1	= 7,156
Rent received from 3rd grade tenure-holders .. .. .					34,677	16 34,677	×	$\frac{1}{2}$	= 1,083
Rent received from the <i>ryots</i> under 2nd grade tenure-holders					434,489	16 434,489	×	$\frac{1}{2}$	= 13,578
Total .. .. .					563,660	16			
Deduct rent paid to superior landlords .. .. .					156,623	156,623	×	$\frac{1}{2}$	= 21,817 4,894
Net cess paid .. .. .					427,037 16,923	16			16,923
Balance .. .. .					410,114				

The number of entries of 2nd grade tenures in the record is 30,901, but many tenures have more than one entry in the record, as they occur in more than one village. There may be many co-sharers in a tenure.

## Memorandum submitted by the Indian Officers' Association, Calcutta.

The Indian Officers' Association was formed and registered in 1923, and the objects of the Association as set forth in the application form, and which all members have to subscribe to, are as follows:—

- (a) To render efficient and loyal service to the Crown and the country.
- (b) To foster a spirit of co-operation and *esprit de corps* among the members.
- (c) To safeguard and promote the common interest of all the members of the Association.
- (d) To represent to proper authorities for redress of the grievances of any member or class of members of the Association as occasion may arise.
- (e) To co-operate with other Associations having similar objects.
- (f) And generally to do all such other acts, matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them.

The Association represents the following Superior Civil Services, and its members are serving under both the Central and the various Provincial Governments in India.

- (1) Indian Civil Service.
- (2) Indian Forest Service.
- (3) Indian Educational Service.
- (4) Indian Agricultural Service.
- (5) Indian Service of Engineers.
- (6) Indian Veterinary Service.
- (7) Imperial Customs Service.
- (8) Indian Audit and Accounts Service.
- (9) Superintendent and Class I of the Survey of India Department.
- (10) The Superior Staff of the Geological Survey of India Department.
- (11) The Superior Staff of the Postal and Telegraph Branches of the Post and Telegraph Department.
- (12) The State Railway Engineering Service.
- (13) The Superior Revenue Establishment.
- (14) The Superior Staff of the Mint and Assay Department.
- (15) The Archaeological Department.
- (16) The Zoological Survey of India Department.
- (17) Indian Forest Engineering Service.
- (18) Indian Meteorological Department.

As originally constituted, the Association included in its roll Indian officers of the Indian Medical Service, the Indian Police Service and the Indian Jail Service, but the Government of India and the various Provincial Governments in accordance with the rules laid down by Government governing the recognition of Associations formed by its employees refused to recognise the Association if officers of the so-called Security Services were included in its membership. The Association had, therefore, to reluctantly modify its Articles of Association, and only the Services enumerated above are now represented by it.

It is the most representative Association of its type, and as was admitted by the Royal Commission of 1923 on Superior Civil Services, its opinion on matters referring to the questions of policy, service, etc., in reference to the Indian Officers in the Superior Civil Services of the Crown deserves special consideration. The Association forwarded a detailed Memorandum to the Royal Commission referred to above, and also gave oral evidence before the Commission in Calcutta in 1923, but for reasons unknown many important points urged by the Association were not given a full consideration by the Royal Commission. In forwarding this Memorandum to the Simon Commission, the Executive Committee of my Association feel that it will materially help them in explaining their position in reference to the unfortunate effects of the recommendations of the Royal

Commission of 1923 on the position and status of the Indian Officers if they were to annex a copy of their detailed Memorandum and their oral evidence before the same body.\* This would avoid repetition of the arguments which were advanced by my Association at that time, and would further clearly show how the claims of the Indian Officers have been ignored by the Royal Commission, His Majesty's Secretary of State for India, and the Government of India. As the recommendations made by the Simon Commission will have a very direct bearing on the conditions of service of the officers in different Services represented by my Association, it is of the utmost importance that the Commission should not ignore the representations of the Indian Officers. The Indian Officers in the various Services, together with their European colleagues are, as will be admitted, the mainstay of the Administration in the departments of Justice, Government, etc., in this country, and to ignore their just and reasonable claims altogether when those of their European colleagues are generously considered cannot possibly lead to their remaining contented or being able to render efficient service. With the recognised policy of increased Indianization of the Services adopted by the Government, it is all the more necessary that the conditions of service for the Indian Officers should be carefully gone into, while to attract the best talent it is of the utmost importance that the conditions of service must be made as attractive as possible, and not as has, unfortunately, been the result of the recommendations of the previous Commissions to make them decidedly inferior to those of the European Officers in the same Services.

In considering the question of the relative rate of emoluments of the European and Indian officers in various services serving under the Government of India, it is necessary to go back to 1886-1887 when the Aitchison Commission submitted its recommendations and introduced a differentiation between the emoluments of the European and Indian officers. Several of the decisions arrived at as a result of the recommendations of the Aitchison Commission did not survive the test of time with the changing conditions of India, and the Islington Commission of 1912-1914 therefore laid down that "the rates of emoluments offered should be sufficient to attract recruits of the right stamp, and to maintain them in such degree of comfort and dignity as to shield them from temptation and to keep them efficient for the term of their service."

In the Report on the Indian Constitutional Reforms (para. 322), it was considered "desirable to avoid the differentiation in many cases between the rates of pay drawn by the European and Indian officers in the same service." In spite of this, however, it was recommended that an extra allowance be granted to persons recruited in England "to compensate them for the extra drawbacks and expenses of expatriation." These recommendations were given effect to by the grant of the "Overseas Pay." This pay is defined in the Fundamental Rule 9 (ii) as pay granted to a Government servant in consideration of the fact that he is serving in a country other than that of his own domicile, and the rules regulating its grant were laid down in the Government of India, Finance Department, Resolution No. 1509-Ex., dated the 5th July, 1923. The Indian Officers' Association, as was explained by it in its Memorandum and answers to the questionnaire of the Royal Commission (see pages 12 and 13, para. 3) very strongly deprecated "the innovation introduced by the Montagu-Chelmsford Report, of granting overseas pay to European members of the services. It does not deny for one moment that the increase represented by the overseas pay was very urgently needed, but objects to the form in which it was given. This form of differentiation in the salaries of public servants was absolutely unknown in the past history of this

\* Not printed.

country." My Association further pointed out that "in some of the Services represented by this Association, some Indian Officers have been granted overseas pay, but others recruited under the same conditions have not been granted the concession. There are other anomalies in the grant of overseas allowance. This Association trusts that these anomalies would be removed, and an equitable grant made to all officers in the same Service and recruited under the same conditions, before the overseas pay is merged into salary." This, however, was quite ignored, and it is, therefore, necessary to refer to some of these anomalies here. In the case of the All-India Services and some of the Central Services, an exception was made with reference to the Indian officers who were on the permanent cadres of their respective services prior to the introduction of these regulations, and the concession of drawing overseas pay was as a special case extended to these Indian officers as well.

The institution of this overseas pay is wrong in principle, and my Association feels very strongly about the invidious distinction which has been made regarding this concession in the emoluments between the European and Indian officers in the different Services. As it stands at present, it is not only an increase in the emoluments of some of the officers, but it gives an additional advantage to even fairly junior European officers over their senior Indian colleagues. Apart from the invidious distinction in point of pay while on duty, the grant of the overseas allowance involves a cumulative benefit by its inclusion in the average leave salary even when the officers are spending their leave out of India. Obviously the reasons given for the grant of overseas allowance while on active duty in India cannot hold good when the officers are drawing the leave salary in their own country. Further, under the new rules in reference to travelling allowance, etc., where the rates of allowances are based on the pay of officers, which, of course, includes the overseas pay of the European and of the Indian members of the various Services, whether serving under the Central Government or the different Provincial Governments, the officers enjoying the concession of the overseas pay draw considerably more allowances than their Indian colleagues. This advantage in the opinion of my Association is very inequitable, and cannot be justified on any reasonable grounds.

As a result of the recommendations of the Royal Commission of 1923, the Secretary of State has further sanctioned for the administrative posts, when held by officers of non-Asiatic domicile and certain specified appointments outside the Time Scale, a fixed monthly rate of £13 6s. 8d. The overseas allowance of the officers of non-Asiatic domicile is further paid at a sterling rate, which at the time was fixed at 2s. to the rupee; this is totally at variance with the exchange of 1s. 6d., at which rate the rupee has finally been fixed.

As a result of the recommendations of the Royal Commission of 1923, two further anomalous distinctions have been made in reference to the allowances and concessions granted to officers of non-Asiatic domicile.

The first of these is the grant of a number of passages to officers and their families in accordance with the rules laid down in the "Statutory Rules and Orders, 1924, No. 1395, India (1927)" (Rule 13 and Schedule IV.). The concession of passages is also extended to a microscopic minority of Indian officials, viz., the Indian civilians in receipt of overseas pay. Though at first sight it might appear that the officers of Asiatic domicile are not entitled to any free passages to a country other than the country of their domicile, it may be mentioned that some Indian officers have European wives, many have been educated in Europe, and have friends and associates there, most of them send their children to Europe for education, and all will improve their knowledge and widen their outlook by travel abroad, and by the opportunities thus afforded for studying in the advanced countries of Europe and America problems

similar to those they are entrusted with in India. As a result of agitation and representation, certain meagre concessions in reference to passages were allowed to the Indian officers of the Indian Medical Service when proceeding on study leave under special conditions, but officers of other Scientific and Technical Departments for whom study leave is as important as in the case of the Indian Medical Service, have not been given any concessions in the form of passages.

The second is in connection with the differentiation which has been made between the European and Indian officers as regards medical treatment.

Another concession of the same nature, which has recently been sanctioned by the Secretary of State for India, in consultation with the Government of India, is the admission of the European and Anglo-Indian officers to special Family Pensions (See Government of India, Finance Department, letter No. D/4972-R. II/23, dated the 10th September, 1928). No such provision has been made for the Indian officers, and my Association cannot but feel that even reasonable claims of the Indian officers serving under the Crown in India are being entirely ignored.

All these concessions are of the nature of granting special treatment to certain class of officers, and are directly opposed to the following principle so ably enunciated by Sir Theodore Morison in his minute on the Islington Commission:—

"If the State once begins to look into the private circumstances of the officers, there is no logical ground for stopping short of the individual. In fact, it is a dangerous doctrine that the State should enquire into the private circumstances of its officers or make these circumstances a ground for differentiation of salaries."

My Association gravely views this differential treatment between the European and Indian officers serving under the Crown in India, and strongly urges that such differentiation in total disregard of the claims of the Indian officers, cannot possibly lead to a harmonious working, or the Indian officers remaining contented with their present condition.

In connection with the leave rules also, the Indian officers' claims, and their "existing or accruing rights" have been totally ignored. While the nomenclature of the higher leave concessions has been changed from the "European Service Leave Rules" to the "Special Leave Rules" to avoid even the suggestion of racial discrimination, this discrimination has, as a matter of fact, been emphasised and exalted into a principle since the sole condition of eligibility to the higher leave concession is a non-Asiatic domicile under the Fundamental Rules. In Article 310 (old 297) Civil Service Regulations, the conditions laid down for their admissibility were either appointment by the Secretary of State or the attainment of a certain rank or a certain rate of pay. Under Fundamental Rules 57, 57A, 75B and 75C, however, all officers of Asiatic domicile appointed subsequent to the 24th July, 1923, are disqualified for the higher leave concessions even if they are appointed by the Secretary of State, or when they attain a certain rank or a certain rate of pay. The principle that the performance of more exacting duties or the discharge of work of a higher quality needs longer periods of rest and recuperation has been definitely abandoned, and the power vested in the Government of India to extend these higher leave concessions to certain Government servants has been abrogated.

Attention may also be drawn to the fact that Indian officers of proved merit are still kept out of most of the administrative and selection posts, not because of their incapacity to hold such posts or to maintain the dignity of office attendant on such high appointments, but only to appease the non-Indian element in the Services or for political reasons. In the policy of the Government, as advocated in the Montagu-Chelmsford Reform Scheme, and later in the recommendations of the Royal Commission on

Superior Services, the question of Indianization of the Services commensurate with the increased responsibility transferred to the Indian legislature was definitely recognized, and the only standard laid down for the appointments to such higher posts was that of requisite ability and experience. That such qualifications are not wanting among the Indian officers is apparent from the fact that, wherever Indians have been appointed to even the highest and most responsible posts, they have acquitted themselves with credit and distinction. In spite of this, however, there are only very few exceptions where Indian officials have been selected for these high appointments. None of the prize posts, for example the Memberships of the Railway Board, Agents and Deputy Agents of various State Railways, the heads of various Surveys, the Forest Services, the Educational Services, and the Executive memberships of the Councils of the various Provincial Governments have been thrown open to Indian officials. The Indianization of the Services is not proceeding even at the rate laid down by the Royal Commission of 1923. In this latter connection, my Association very strongly deprecates the policy of bringing in so-called specialists on short-term contracts in the first instance, and later on absorbing them in the cadres of the various Services. These specialists are entertained on first appointment on much higher emoluments than those of the members of the Service, while at the time of their appointment to the permanent cadres they are allowed to begin on the pay they were then drawing. They thereby come to occupy much higher posts and acquire an undue seniority over the heads of the officers who have gone through the mill by starting at the lowest rung of the ladder.

The facts detailed above show without any shadow of doubt that the Central administrative machinery of the Government, viz. His Majesty's Secretary of State for India and the Government of India, as well as the Royal Commissions appointed to report on the conditions of service, etc., of the Services have confined their attention solely to the conditions of

Service, etc., of one section of officers, namely, the officers of non-Asiatic domicile, and practically all the concessions granted have been made for improving their emoluments and status in utter disregard of the needs of the Indian officers. My Association views this deplorable neglect of the just claims of the Indian officers with grave concern, and would strongly urge the Statutory Commission to consider the situation referred to above from the point of view of Indian officials. An antipathy of the type shown by the authorities concerned to the claims of the Indian officers, is, to say the least, making the Indian officers very discontented, and unless the situation is seriously considered in all its aspects, and steps are taken to ameliorate the lot of the Indian officers, it is certain that the best talent from amongst the Indians will not hereafter be available for filling up vacancies in the different Services.

In India, as indeed elsewhere, pay means position, and it will be ridiculous to affirm that patriotism and service for the country will outweigh any consideration of emoluments or differential treatment between officers of different nationalities doing the same work under exactly identical conditions. The recognition by the Government of the principle that a certain proportion of British element in the administrative machinery is essential in the present political condition of the country should not involve any discrimination between officials of Indian and non-Asiatic domicile. Their conditions of service, prospects, emoluments, etc., should, for equal merit and identical work, be the same as those of their colleagues of non-Asiatic domicile, as any discrimination involves discontent and the loss of prestige of the Indian officers, and consequently of the administration of which they form an integral part.

My Association has already fully dealt with the position of the officers under the changed conditions of service in the reformed régime in its Memorandum to the Royal Commission attached herewith, and does not consider it necessary to deal with this point again in detail.

## Deputation from the Indian Officers Association.

The deputation consisted of :—

RAI BAHADUR B. R. SINGH, Deputy Chief Engineer, Eastern Bengal Railway, Calcutta.

SIR JEHANGIR COYAJEE, Kt., LL.B., I.E.S., Professor, Presidency College, Calcutta.

The Honourable Mr. K. C. DE, C.I.E., I.C.S. (Retd.), lately Member of the Board of Revenue, Bengal, (Spokesman).

SHAMS-UL-ULEMA KAMALUDDIN AHMAD, M.A., I.E.S., Principal, Krishnagar College, Krishnagar.

Mr. J. G. BHANDARI, Deputy Accountant-General, Punjab, and

Dr. BAINI PRASHAD, D.Sc., F.R.S.E., Superintendent, Zoological Survey of India.

\* \* \* \* \*

282. *The Chairman* : How many members are there in your Association ?—(Mr. De) 213 to-day.

283. You represent members from a very large range of services serving under both the Central and Provincial Governments ?—Yes.

284. Now, what would you like to say ?—Might I first explain how we come before you ? We have got everything to do with the Government of India Act. The preamble to the Act begins with the declared policy of Parliament of "increasing association of Indians in the administration," and ever since the Act came into force that has been going on, and more and more Indians have been taken into these services that we represent, both in the higher grades as well as in the lower. The position just now is that there has been very keen and widespread discontent among the Indian officers of these services, and unless there is some safeguard in the Act to provide that we shall not be treated as we are being treated, and that we shall have equal treatment with the Europeans, this discontent will increase ; and for the harmonious working of the Reforms it is impossible to contemplate such a state of affairs. Therefore, sir, we have come before your Commission. There is a differential treatment of the officers who are European, or rather of non-Asiatic domicile—not necessarily European, they may be New Zealanders or South Africans—and Indians. This distinct difference of treatment between non-Asiatics and Indians has been introduced since the Reforms, or a little before the Reforms, and this has reacted on our mentality and it causes very keen and widespread discontent. Therefore, sir, when recommending any alteration of the Government of India Act, as it is your province to do, you will remember our case. What we ask is that you should provide in the Act that there should be no difference in treatment of officers of these higher services that we represent, whether they are of Asiatic domicile or of non-Asiatic domicile. The consequence of this treatment that we feel is this. Not only are we looked down upon as officers of inferior capacity by our superior officers and by our Governors, but also by the people at large. I have had, sir, 35 years of service in the Indian Civil Service.

285. I am afraid, at present, I do not understand what is meant. What is the unequal treatment which works upon your mentality and makes you feel that ?—There are many items.

286. Begin with the best example of the lot.—First of all they are getting higher pay. In the same service, in the Civil Services that we represent, non-Asiatics get a higher pay than Indians. There is the overseas pay ; there is a difference due to exchange remittance benefit ; there is the passage grant, and there is the difference between the European and Indian equivalents of maximum average and half average leave salaries.

\* \* \* \* \*

287. Do you want a provision which would provide that overseas allowance is to be made to domiciled

gentlemen as it is made to a man whose domicile is in England ?—Whether you call it increased pay or overseas pay we do not care, but we want the same pay. It has been given to the Accounts and Audit service in the shape of increased pay, not as overseas pay. We go by what Sir Theodore Morison said in his minute on the Islington Commission.

288. It is at the bottom of page 85 of your memorandum ?—Yes, sir. That salutary principle laid down by him was disregarded, and the consequence of that was anticipated by Mr. Edwin Montagu. In a despatch, dated the 3rd of June, 1920, which he addressed to the Government of India he declared that "if a differentiation were for the first time introduced in the pay of men whose pay has hitherto always been equal, discontent must inevitably arise, and if the overseas allowance is limited to men recruited in England or to men of English domicile, invidious comparisons would be made. If on the other hand, the overseas allowance is paid *eo nomine* to a large number of Indians who have never been out of India, it will be reduced to an absurdity." That is the reason, sir, for the increased pay which was granted to the Accounts and Audit service. That is about emoluments. Then comes the question of leave. Under the old rules we of the superior services obtained the benefits of European service leave rules. Now, the leave rules have been divided into ordinary and special leave rules, the special leave rules applying to non-Asiatics. We have been debarred from all its privileges. An Indian of the Indian Civil Service of the rank of a commissioner himself will get in India only four months' leave on full pay, but his subordinates, even his head clerk, if he happens to be a non-Asiatic, will get eight months leave on full pay. This is not dignified for the Indian officers, and we suffer a good deal in prestige, on account of that. Then again, the question of medical attendance, sir. A European gets all his medical, surgical and nursing charges at a private hospital paid by Government. We do not get a single pice, sir. We have got to pay those ourselves. To consult a dentist or any other kind of specialist a European gets travelling allowance from his own station to Calcutta or any other place where such attendance can be had. We do not get that, sir. Not only that, their family gets the travelling allowance also. We do not get anything of that kind. These things were unknown in my time, when I was in active service. They came in only one and a half years ago.

289. *Sir Hari Singh Gour* : They were all unknown before the Lee Commission ?—These rules were issued by the Government of Bengal in 1927 only, about one and a half years ago.

290. *The Chairman* : I want you to think, because you are an experienced officer of the service and therefore I attach great importance to your suggestions, I want you to think what is the sort of provision which you would suggest should be inserted in the Government of India Act ?—We want equalisation of our position. There is another thing—the family pension fund which does not cost Government a single pice. The Lee Commission strongly recommended that it should be extended to Indians as well as Europeans. It has been extended to all Europeans, but Indians have still been debarred in spite of the recommendation of the Lee Commission. Now, sir, the last and biggest point is that we are not given opportunities to show our merit, although nominally all posts are open to Indians and Europeans alike in every service except one, that is to say, the Indian Medical Service, where they have gone further than in the other services and reserved certain posts for Europeans only. For instance, professorships in colleges and principalships of medical schools and colleges have been reserved.

291. *The Chairman* : I am afraid I have not quite followed you. Do you say that, for instance, professorships in colleges in India are reserved ?



*Sir Abdelkerim Ghuznavi* : I discovered that a certain post like that was reserved for Europeans. That is a fact.

292. *The Chairman* : What about the principalships?

*Sir Abdelkerim Ghuznavi* : Yes, the principalships of medical colleges. There is a list which I saw in the department while I was a minister showing that these posts were reserved for Europeans.

*The Witness (Mr. De)* : But I am talking of the other services, because the Indian Medical Service men are not allowed to become members of our Association and I am not in a position to speak about them. I only spoke about that incidentally. But in the other services all posts are normally open to everybody. Yet, we are debarred from the higher administrative posts, the posts in which a man can show his merit. We do not get them. We have mentioned a number of them in our memorandum.

293. *The Chairman* : Is it your view that there ought to be a clause in the Government of India Act which deals with that point?—Well, sir, we want something like the declaration contained in Queen Victoria's proclamation that really, actually and in practice—not only in writing—there should be no distinction made between Indian officers and European officers in any way.

294. *Sir Hari Singh Gour* : You have the proclamation now. Why do you want it again?—It is not acted on. You see these differences of pay, leave, medical attendance, family pensions and passages. There is this discriminatory treatment.

295. *The Chairman* : Mr. De, you have developed your main points?—Yes, sir. May I say, sir, one word in regard to our position. As Indian citizens we anxiously desire further advance in the constitutional reforms, and as a body we will strive our utmost to work them loyally and without any reservation whatever. We place ourselves unreservedly in the hands of the reformed legislatures and of the ministers in whom we place our complete trust. Our point, however, is this. We know that the European Officers' Association want to safeguard their interests by provisions in the Act. We do not want anything of the kind, but we cannot with self-respect and efficiency serve the reformed constitution if our position is put markedly inferior to that of our European colleagues. So, sir, we now demand, and will continue to demand, that our position is made the same as it was in the old days before the Reforms. Then there was no difference between a European and an Indian in the services.

296. *Sir Arthur Froom* : Mr. De, you suggest that the salary of Rs1,500 a month in the services you represent should be the same for Europeans and Indians?—In the services we represent we live like Europeans and our expenses are the same.

297. Do you recollect a resolution that was tabled in the Council of State once by an Indian—I do not want to mention his name—who holds a very responsible post now, and this gentleman was of opinion that the civil service is too highly paid. So he tabled resolution to this effect that (a) with the exception of Governors or Lieutenant Governors, the pay of the Indian Civil Service should be reduced by 25 per cent., and (b) having arrived at this pay, the pay of the European members of the Indian Civil Service should be increased by 25 per cent.; or in other words, the object of the resolution was to keep the pay of the Europeans on the present basis, but to reduce the pay of the Indians. In suggesting this reduced pay for Indians this gentleman made it clear that one had to make allowances in the case of European officers for the extra expenses involved in their having to send up their children to England for study, in meeting the cost of illness, and so on. That was his view. Will you subscribe to his view? No, sir.

298. *Mr. Kikabhai Premchand* : Mr. De, you say that the specialists employed in higher appointments

involving special skill may be paid higher emoluments, and so on?—Yes.

299. In all vocations specialists should get special pay?—Quite so, sir.

300. Then, consistent with your self-respect you would not object to accept a lower salary when you are appointed to a lower post?—No, sir. But what I wanted to point out was that if you want to bring a specialist on a special pay, do not surreptitiously introduce him into our cadre afterwards on a much higher pay.

301. But if a specialist is necessary?—He comes under his contract if he is necessary, and he is paid accordingly. But afterwards suddenly he is introduced into our cadre above our heads although he is a much junior man.

302. He may be necessary for Government for a period?—Well, he can be brought under another contract for that period; that is how specialists are entertained.

303. Further on you say on page 86:—"The recognition by the Government of the principle "that a certain proportion of British element "in the administrative machinery is essential," and so on; in view of that recognition and in view of the standard of living of European officers, is it not just to show some consideration to them and remunerate them on a higher level?—I have no quarrel with the proposition, sir, that they should be given a living wage, but we belong to the same services and have got to live in the same way.

304. They have a higher standard of living?—That, I deny altogether, sir. It is not so.

305. *Sir Hari Singh Gour* : Mr. De, it is not a fact that the Indian National Congress and other public bodies in this country have been pressing for Indianisation of all the services on the ground, amongst other reasons, that for Indian services the Indians are cheaper than Europeans?—They have.

307. You now wish to equalise your status with regard to pay with Europeans?—Yes, sir, as we had always before.

308. Then the advantage you have of being indigenous products of your country and serving your country from patriotic motives disappears. If you are given the same salary and emoluments as Europeans, you reduce your label to that of a paid mercenary. Are you prepared to accept that position?—We do, whether you call us mercenaries or by any other epithet. We accept that.

309. I should have thought that as public and patriotic men serving our motherland you should have been prepared to work on a smaller salary and would not demand the high salary which is paid to imported labour?—When Swaraj comes, if all salaries are reduced, we will readily accept what is offered.

310. But your complaint at present is that there is no Swaraj. When Swaraj comes you are prepared to serve on a low salary. Do I take it that that will be a happy augury for the advent of Swaraj, and that we shall get Mr. De and the other members of his Association to work for the motherland on a lower salary?—My point is not the amount of salary. I am not complaining of our lower or higher expenses. I am only complaining of the differential treatment.

312. As regards your complaint that you have not got the same opportunities for occupying administrative and higher posts as Europeans, that is due to the fact that all the administrative posts are in the hands of Europeans?—Unfortunately, that is so, sir. The people who select us are Europeans.

313. And they, naturally, wish to select one of their own brethren in India?—Without attributing any motive on their own part, I feel it is only natural. Unconsciously, his feeling must be this, that if a

European who is the head of the department says that Indians are fit for his post, it necessarily follows that there would be no room for him.

314. One more question and I have done. The members of the European Association want safeguards against any constitutional change in the country as regards their pay, promotion and pension to certain appointments. Do you put forward a similar claim, or will you be satisfied with the reformed Government and the constitution as will be given to this country?—Having decided that as sons of India we cannot demand any such thing; as I have said just before, we place ourselves unreservedly in the hands of the ministers.

315. Then you have no apprehension whatever?—None whatever. But the only thing we want safeguarded by that Act is that our position should in no way be inferior to that of our European colleagues.

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322. *Sir Hari Singh Gour*: Mr. De, you have said that the Indian Civil Service is the highest paid service in the world, and that men who pass the same examination when they go to Ceylon and Malaya get much less salary?—Yes, and also in the Home Civil Service.

323. Does that not establish the point that I wanted to bring out that Europeans in India should get less, and not that you should get more?—I do not mind; if you reduce their salary, you reduce ours also, but do not make any difference and point out to us as an inferior class of officers. In 1893, I had the same advantages as my European colleagues in the Indian Civil Service, but now all these innovations have been brought in, and the civilian who is of an Asiatic domicile is now considered to be an inferior being.

324. *The Chairman*: \* \* \* You may just tell me these two things. In your long experience as a member of the Indian Civil Service, and many of

whom might have been Indians, was the right of appeal to the Secretary of State ever in fact exercised by an Indian who is a member of the Indian Civil Service?—Well, I do not know if there has been any sort of punishments in regard to which any Indian Civil Servant had to appeal.

325. I might tell you that there have been many, many cases?—Not to my knowledge, sir. On various occasions we have sent up memorials to the Secretary of State for redress of our grievances.

326. You are misunderstanding my question. I am referring to the fact that under the Government of India Act no officer who belongs to the All-India service and who was appointed by the Secretary of State can be dealt with adversely without his having a right of appeal to the Secretary of State in Council, and I wondered whether your own information was such as to enable you to tell me whether or not that right of appeal was ever exercised by an Indian member of the Civil Service?—No appeal has been made to my knowledge, sir.

327. Then the other thing I want to ask you is this. Is it your view in fact that an Indian who is a member of the Indian Civil Service has the same level of expenses to meet as a European who comes out here and serves for twenty or twenty-five years?—Yes, certainly, sir, and usually it is more, because an Indian has got to have a house to live with his family, while a European generally lives in the club and spends about Rs300 a month.

328. I was interested to know that. I see your view. You say that in the case of two officers living in the same station, one Indian and the other European, the expenses which the European officer who has come from a distance evidently incurs will not fairly be more than the expenses which the Indian officer incurs?—Yes, sir.

329. You follow, of course, that in that case, if the services are to be Indianised, there is no economy to be realised from that at all, for the expenses in the two cases will be the same?—No.

## Memorandum submitted by the All-Bengal Namasudra Association.

On behalf of The All-Bengal Namasudra Association, and also the Namasudra Community of Bengal, I beg to submit the subjoined Memorandum for your consideration. I beg also to state that owing to shortness of time we are not in a position to submit a detailed statement of the whole matter under enquiry, specially, with regard to those with which we, as a body, are vitally concerned. I hope, however, to submit in detail the views of the Association with regard to the same by the end of May next.

It is desirable, I hope, to state our position as a community in the province of Bengal. The Association consists of members of the Namasudra Community including those, who by education and culture have understood their position as a community, and have come to think for themselves and also for the community, and have thus claimed to be their natural leaders. The Association is thus a political body taking cognisance of matters relating to State. It also works in reference to social, educational and economical matters as well.

It may not be out of place here to indicate the position that the community occupies in the Presidency of Bengal from the point of view of its numerical strength. The total population in this Presidency is 47,592,462. Of these 25,481,624 are Muhammadans; the rest are non-Muhammadans. These again include Hindus, Christians, Buddhists, Sikhs, Parsees, Jains, etc. There are 190 castes in Bengal under the term Hindu. The Hindu does not indicate any homogeneous race. There is hardly any community of interest between one caste and another because of the special position that one occupies in relation to others in this country. Amongst the Depressed classes themselves there is some community of interests in political, educational and economical matters. As a few castes of the Hindus have received a fair education they have grouped themselves together for all practical purposes. And the rest because of their backwardness of education have lagged themselves behind and are now put under the term "Depressed classes" (backward classes). Under the former group are generally classed, the Nabashakhs and other intermediate classes besides the three prominent castes, the Brahmins, the Vaidyas, the Kayasthas, whose number is about 2.6 millions in this Presidency. The Namasudras alone number about 2.1 millions in this Presidency. The total number of the Depressed classes in Bengal is about 12 millions.

The interests of this community can never be represented by another caste, as the interests are of conflicting nature owing to the construction of the present Hindu society. Past experience has confirmed this view. Various misrepresentations have been made to the Government from time to time in the name of the Hindus, while regard being had to the existing facts, social conditions, and specially to the differences obtaining in educational and political matters, these persons should have spoken for themselves only and should not have assumed the position of the "heaven-born guardians" of the masses.

The literacy of Bengal is one of the wonders of the world. It appears that the literacy of the Brahmins is 48 per cent. and that of the Vaidyas 65 per cent. and that of the Kayasthas 41 per cent. It is a matter of history that for reasons known to them these communities practically shut the doors of schools against the members of the Depressed classes during the pre-British Rule in India, when the Government of the Province was practically in their hands. Even under the British Rule there are many schools and institutions where the boys of the Depressed classes are not admitted. This only explains the poor percentage of literacy of the Namasudra community in the present moment; and it is only 8 per cent. The literacy of other Depressed classes in Bengal is even less than that number. The progress that these communities have been able to make, it must be agreed by one and

all, is due to British Rule. The literacy thus indicated only means the capacity of a person to sign his name.

We beg in conclusion, to state that in support of the Memorandum, we will also adduce oral evidence. We shall supply the names and addresses of the gentlemen later on and the same will reach the office of the Commission before the 1st of June next.

I have the honour to be,

Sirs,

RASIK LAL BISWAS,  
Hony. Joint Secretary,

On behalf of The All-Bengal Namasudra Association.

### MEMORANDUM

#### 1. Representation.

##### (a) The basis of franchise :—

Franchise should be based on population and not on any property or educational qualification; that is to say that every adult male member should be entitled to vote.

NOTE.—Owing to property qualification, as exists under the present system only 2 per cent. of the people have been given the right to vote.

##### (b) Methods of election :—

(i) Representation on legislative bodies should be made directly by the people or electorates,—there being no intermediary.

(ii) Election should be made by ballot.

(iii) Polling areas should be made as small as possible—the polling booth should be within two miles from the distant part of the area.

##### (c) Methods of representation :—

(i) To secure due representation of the existing conflicting interests every community should be given a definite number of representatives in the legislative bodies, including all local self-governing institutions, in proportion to the population of each with respect to the total number of members in these bodies. No member of a non-Depressed community should be allowed to represent the Depressed classes. In view of this there is no necessity to give any special seat for the protection of any particular or economic interest.

##### (g) Nominations :—

The number of nominated members should be reduced as far as possible. Of the officials only those who are at the head of different departments and officers who are in direct charge of the respective offices should be nominated in the legislative bodies. As regards non-officials only experts to advise the legislatures or the Government or members for the unrepresented interests may be nominated.

#### 3. Local Self-Governing Bodies.

(i) There should be village union consisting of one big village or some small villages. The village Union Boards should be elected by the adult male residents of the villages.

(ii) There should be a District Board at the District headquarters, the members of which also should be directly elected by the same electors as that of the Union Boards.

#### 4. The Provincial Government.

(i) At the head of the provincial Government there should be a Governor appointed from

England, and he should be ex-officio president of the executive and legislative councils.

- (ii) The number of ministers should be the same as that of the members of the executive council.
- (iii) In every province there should be one and only one legislative body. No second chamber is desirable at present.
- (iv) The provincial legislative council should consist of the members of the Governor's executive council and of the members elected and nominated.
- (v) The number of the members of the provincial councils should be increased. In Bengal it should be made 300, of which not more than 80 be nominated (officials and non-officials). Every two hundred thousand people (not voters) should be represented by one member.
- (vi) As the facts stand the members of the executive council should not be responsible to the legislatures.
- (vii) There should be six members in the executive council, of these three should be Europeans and three Indians. Of these again one should be chosen from amongst the Depressed classes.  
These members should be nominated by the Governor and appointed by His Majesty. In the case of Europeans, the rule of twelve years' residence in India should be kept to, and in the case of the Indians, university qualifications along with public activities should be regarded as necessary qualifications.
- (viii) Ministers should be made individually and collectively responsible for the due administration of the departments placed under the charge of each to the legislatures.
- (ix) Ministers and the members of the executive council should have joint deliberations with the Governor for the settlement of their policy.
- (x) More departments should be placed in the charge of the ministers than have been done at present. Specially the Departments of Land Revenue and Irrigation should be transferred.
- (xi) Provincial autonomy is out of the question at the present.
- (xii) Funds for the administration of the Reserved and Transferred subjects should be earmarked, and shown as such in the annual budget. The needs of the nation-building departments should be kept in view in the distribution of funds.

##### 5. Central Government.

- (i) At the head of the constitution there should be a Governor-General appointed from England and he should be ex-officio president of the executive and the central legislative councils.
- (ii) There should be eight other members of the executive council, of whom four should be Europeans and four should be Indians; and of these again one at least should be a member of the Depressed classes.
- (iii) These members should be nominated by the Governor-General and appointed by His Majesty.
- (iv) Members of the executive council should not be made responsible to the legislatures in the present moment.
- (v) Council of State should be abolished altogether and there should be one Central Indian Legislative body.

- (vi) The Central Legislative body should consist of the members of the Governor-general's executive council and members elected and nominated.
- (vii) The number of the members of the Central Legislative body should be increased to 350. Of these not more than 50 should be nominated (officials and non-officials).
- (viii) The electors of the provincial legislatures should elect the members of the Central Legislative body.

##### 7. Courts and Judiciary.

The courts and the judiciary should be so constituted by legislation that there may be representatives of different communities on these in order that the people may have confidence in the administration of justice.

##### 10. Services.

- (i) Appointments to the Indian Civil Service and other all-India services should be made in India by a central services commission on the nomination of the Provincial Governments in their appointment Departments.
- (ii) The Central Services Commission should consist of Indian and European non-officials, presided over by a European member of Governor-General's executive council.
- (iii) There should at least be three members of the Depressed classes on the Central Services Commission.
- (iv) Appointments should be made from amongst the qualified candidates of the different communities in proportion to their numerical strength.
- (v) At the first instance candidates of the Depressed classes and others, including Muhammadans, should only be appointed until and unless an equalisation of these classes is secured to those who have already filled these services.
- (vi) As regard the provincial services, appointments should be made by a Provincial Services Commission consisting of Indian and European non-officials, and presided over by the European member of Governor's executive council in charge of the appointment department.
- (vii) These appointments should be made on the nominations of the divisional commissioners.
- (viii) For the next ten years these appointments should be made from amongst the Depressed classes to obtain an equalisation of their number to those of others who have hitherto filled all these offices.
- (ix) The term "efficiency" and "competition" are absolutely misnomers, and have absolutely no scope in public services.
- (x) The superior services should not be Indianised any more without securing a proper number of the members of the Depressed classes in proportion to their numerical strength in these services.

##### 11. Growth of Education.

As stated in the introduction the literacy of Bengal, as also in the whole of India is, so to say, one of the wonders of the world. Indian Society is so constructed that by the autocracy of the few not only economic and other movements have been retarded, but educational movements and a general advancement in that direction have been absolutely hampered. The poor percentage of literacy is a miracle, and should be an eye-opener to those who really think of any political progress for India. The few castes

that have hitherto been able to secure the State patronage, including even the landed aristocracy (who received a boon in the shape of permanent settlement in Bengal in 1793), have not employed any of their powers either for the Government or for the people. And no more powers should be given to these few without securing a proper safety for the millions and millions of illiterate people in India. We suggest therefore, that:—

- (i) Elementary education should be made free and compulsory.
- (ii) Expenditure for this purpose should be made by taxation of a fixed sum (certain percentage in the rupee) on the surplus revenue that remains with the landlord on payment of Government dues.

### Supplementary Statement submitted on behalf of the All-Bengal Namasudra Association.

You will be pleased to find that in that letter of ours, we have tried to give you an idea of the position of the community in so far as its social, educational and political aspects are concerned. It may not be out of place, we venture to think, that we should try and give a true indication of the caste system that obtains in this country and how the said fact determines not only the social and educational conditions of the people, but their political conditions as well. It is, no doubt, difficult for even one living in this country to realise truly the situation that is created by the "caste." It is, therefore, still more difficult for one who has had no opportunity of living in this country and of coming into direct contact with the facts and circumstances created by it. We desire, therefore, to reaffirm the view which is the result of past experience, that a man is born with his caste and dies with his caste in India. We have known and seen of many instances up to now where the simple fact that a man is born in a particular caste has not only debarred him from having his true and just share in various branches of the State Administration, but has also debarred him from a little self-realisation through education, for which there has not been any obstacle in any part of the civilised world, but for which there are various obstacles created and introduced in this caste-ridden country. It would be a lamentable mistake to suppose that with a little concession in favour of the people who occupy a backward position on account of their being oppressed through caste, the difference that exists between members of one caste and those of another may be wiped out, for the fact is significant that in social and political matters there may be some community of interests between the members of a caste coming under the general term, "Hindu," and those who are outside the said term—say, for example, the Muhammadans—while there is hardly any community of interests between members of one caste and those of another coming under the same term, "Hindu," in their social and political and even in educational matters. It is indeed a fact that in various social observances the social servant who serves a Brahmin also serves a Muhammadan, but that social servant does not serve any member of a Backward or Depressed classes, of whom the Namasudras are by far the largest, although coming under the same generic term, "Hindu." We desire, therefore, to assert once again the simple fact that the term, "Hindu" does not connote any homogeneous race. It is difficult to indicate any reason for this difference in situation, but the fact is that it does exist. We would respectfully suggest, therefore, that in dealing with this aspect of the question and in recommending the changes, if any, the Commission would do well to consider and see that any such thing may not strengthen the hands of the few to the great prejudice and the detriment of the interests of the majority of the illiterate, poor Backward or Depressed classes as has been our past experience in various matters. We may be permitted to submit that want of proper education, resulting in a very poor percentage of literacy amongst the masses, more particularly amongst the members of these Depressed classes,

explains to some extent the situation that no proper demand could be made by these millions of dumb people for their true and just share in the Administration of the country; but we venture to submit that this condition makes the position of an impartial Government very serious in its dispensation of justice and patronage. We make bold to submit with regret that Government of the country, although making impartial and just pronouncements from time to time with regard to its attitude towards these millions of people, have not been able to carry out the said utterances into action.

We may be permitted to record our agreement in accepting generally the pronouncement made by the late Secretary of State for India in Council, on the 20th August, 1917, in connection with the Indian constitutional changes. The same was followed by a personal tour of his, along with H.E. The Viceroy, with an object of seeing and studying for themselves the various aspects of the said constitutional questions, by receiving the views of different bodies of people in India. We do not desire to indicate in detail how, through the intervention and ill-advice of several caste-ridden Indians, the millions of Indians were prevented from not only having had any opportunity to submit their points of view with regard to the said matter before the said enquiring Commission, but that they were also prevented from submitting, even in writing, their views about such a momentous issue affecting their interests to a very considerable degree. We may be permitted to note with regret that we cannot approve of the attitude taken up by some of the then officials of the Government in respect to this matter. We would, therefore, very respectfully ask the Commission that they would be pleased to make it a point to give each and every one of those desirous of presenting their views before it a patient hearing.

If we have been able to follow the said pronouncement of the 20th August, 1917, we find that it was declared by it that the policy of His Majesty's Government was that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India. So far as the question of appointment is concerned it is a fact that the same has gone to the few of the Indians to the great prejudice of the millions of people even in the Lower Departments of various branches of the Administration for which there were many qualified candidates from amongst the members of the Depressed Classes, and more especially from the Namasudra Community. There was no just and true consideration made of the candidates from these classes for the said appointments. On the contrary, methods have been invented in the name of the rules by which these candidates have been practically debarred from having their just share, not to talk of any true and proportionate share in the Administration. It is also regrettable that the local authorities have signified their assent to the said course, although we venture to submit that there has been no justification for the same.

So far as the question of the proper representation of the masses upon the Legislature is concerned, certain relaxation of the former rules was no doubt suggested in order that a large section of the Indian people might feel that they had their representatives on these Legislative bodies. But the rules framed for holding the elections of these Legislative bodies have been so inadequate and imperfect that the main object which lay behind the said pronouncement for the gradual development of the self-governing institutions, with a view to progressive realisation of responsible government in India, has not been achieved to the extent to which it ought to have been, if not baffled, in more cases than one.

It is high time now that every adult male member should be given the right to franchise without any restriction whatsoever. It has been seen even with the modifications introduced into the rules of election, that about two per cent. of the total population have been given the right to vote. There are various circumstances which may be taken as explaining this unfortunate condition of this country. Of the several qualifications laid down for any one to have a right to vote, those of payment of revenue or income tax, or a special qualification for a special constituency are absolutely outside the scope of an average Indian, much less to talk of a member of the Depressed Classes, of whom the Namasudras are by far the largest. The only qualifications which are possible for them to avail themselves of in the matter of election are those of actual payment of a chowkidari tax of Rs2/- or of payment of a cess of Re 1/- on the annual rent or payment of Re 1/- as municipal tax. The figures quoted above show as a matter of fact that even with these modifications a very insignificant portion of the people have been given the so-called privilege to elect their representatives on the Legislative bodies. We are extremely sorry to indicate, in view of the aforesaid facts, that the policy which lay behind the said pronouncement has not been at all given effect to. The only means that we have been able to find after the experience of these few years since 1921, when the Government of India Act of 1919, was given effect to, is to introduce immediately the franchise on the basis of population without any regard to any property or financial qualifications in order to assure the masses of Indians, of whom the Namasudras are by far the largest in the Presidency of Bengal, that there was a genuine and sincere desire expressed on behalf of the Government while making the said pronouncement, and that it was never the intention of the Government to do otherwise, or to strengthen the hands of the few to the great prejudice of the millions of dumb people in India. We may be permitted to submit that there is yet a very great moral responsibility of the Government, to see that the interests of the millions are properly safeguarded, and that the same may not be prejudiced by the introduction of any change in the Administration.

There had been, of late, a movement amongst a small section of the people in the country for extending the voting power to women, or in other words to do away with the sex disqualifications so far as the franchise is concerned. The Government was prevailed upon, and an amendment of the rule was made permitting the women to vote. It was tried only once as regards the Bengal Legislative Council. The result does not seem to have been very satisfactory, for excepting a few cases, the majority of the women voters, especially in towns, do not generally occupy a respectable position in society. Regard being had also to the custom that obtains as a matter of religion for the observance of strict purdah (privacy) amongst the Hindu and Muhamadan females, this voting power given to the females has been of no practical use. It will take a long time yet to make the females of the Namasudra community, as also of the other Backward Communities, understand their true position in respect to the political administration of the country, and therefore they cannot be expected to be able to take advantage of this change

in the rules in their favour. Further, when the qualifications laid down for one to be a voter have debarred over 95 per cent. of the males to exercise this franchise, it will only be strange to suppose that their women may be able to possess a necessary qualification for the purpose. These women have no independent means of income, and have got to depend upon the income of their male members for their maintenance. We would suggest, therefore, that for years to come it will serve no practical purpose by investing women of this country with the right of franchise.

We have indicated in our Memorandum submitted previously that election should be made by ballot. The method that is still in use has not produced the desired or any satisfactory object; for, the last three elections show that due to illiteracy the voters could not decipher the real situation, and hundreds of instances occurred when the ballot papers have been rejected on account of incorrect or imperfect marking. We are sorry, also, to note that there was more than one instance when the presiding officer and those in charge of election at different polling booths were not able to go above dishonesty while marking the ballot paper on behalf of an illiterate voter, only because of the castes to which these officers, the voters, and the candidates, respectively, belong. This difficulty, we suggest, may be avoided if there be each separate ballot box of a particular colour for each candidate, with his name inscribed on the same; and instead of the present form of ballot paper a card, with a number and the official seal on it, be used. To avoid any misunderstanding, which is not very uncommon, and to avoid unnecessary delay, it is advisable that the votes recorded at any particular polling station be counted immediately after the poll is over, by the presiding officer, in the presence of either the candidates or the agents, and the results communicated to the Returning Officer, with the ballot papers and other articles in connection therewith.

The pay of all the officers, including the Governor, Members of the Executive Council, Ministers, Secretaries should be reduced to a considerable extent; for the revenue should be used more for the benefit of the people than for the Heads of the Departments, and especially for the reason that the public duties that any of these officials should be called upon to discharge, and the position that he will occupy should be taken as enough consideration for rendering loyal services to the State and the country. We venture to think that there is no country in the world, excepting India, where public services yield such a highly disproportionate remuneration and make the services absolutely top-heavy.

The Governor of a Province should be at the head of the Executive, and will be responsible to the Parliament, and also to the Viceroy for the good administration of the Province. He will personally supervise works of the Reserved Departments for which he will be personally accountable to the Viceroy, and he will also superintend the works of the Transferred Departments. He may advise the Ministers in all matters, and in case of difference of opinion he may choose another batch of Ministers, or dissolve the Council for fresh election in order to know the decision of the electorate. To keep the gravity of the House, and also to be in touch with the feelings of the people he will, when feasible, preside over the Council. In his absence the President, elected by the House, will preside. All acts with the sanction of the Governor be enacted as laws. In case of veto, he will send the Bill, passed by the Legislature, to the Viceroy, with a note for his sanction of veto and that note will be published on demand.

The Members of the Executive Council should be recruited for five years from the public men, both of Great Britain and India. It has been seen in more than one case that British members of the Indian Civil Service, on account of their living in this country for a long time, and by coming into contact with only a section of the people, are mentally

captured by the ideas of those few people who are in the position of social aristocrats. As for the Ministers, our suggestion is, that they should not be taken from the representatives of any special constituency. For maladministration, the Legislature will be empowered to express their disapproval of the same by the token cut in their pay, and the proceedings of the Council in respect to this matter should be submitted to the Secretary of State for India, and the Premier, so that the British Cabinet may be able to know the details of the administration of the provinces by the Members nominated by the Governor. Under-secretaries of the Ministers should be taken from the non-official elected Members of the Council, and should be appointed by the Governor in consultation with the Chief Minister, under whose order they may be removed subject to the approval of the Governor.

The official heads of the different departments should carry out the policy and order of the Members or Ministers in charge of each of the departments, and those officers should be liable for efficient working of their departments, and may be transferred, suspended or degraded by the Ministers or the Members of the Executive Council with the sanction of the Governor.

Of the subjects that are now reserved, the following should be transferred :—

1. Education with all its branches, including the Universities, except the education of the Europeans and Anglo-Indians.
2. Tramways within municipalities.
3. Water supply, irrigation, canals, drainage and embankments, water storage and water power.
4. Famine relief.
5. Land Acquisition.
6. Land Revenue administration, with all its heads.
7. Industrial matters.

In a country and in the provinces, where there are ample powers of control in the hands of the Governor-General, Governors and other authorities, and there are sufficient provisions of checks and holding balances, we do not find any necessity of a Second Chamber. This will not only incur a heavy expenditure, but it will also check the progress of the country. The conservatives, the reactionaries, and the aristocrats, who are always against all sorts of social and educational progress of the country—being in the Upper House will always overthrow the popular demands and popular reforms.

*Provincial autonomy.* Though we are not for provincial autonomy, we shall urge upon the authorities to see that the provinces be not starved, and their administration suffer from want of funds, only to meet the expenditure of the Central Government. As for Bengal, we suggest that the tax on jute should be in the hands of the Provincial Government, and be spent for the cause of education, sanitation, agriculture and irrigation.

All the sources of income of a province should be in the hands of the Provincial Government, which will, in its turn, contribute a just proportion to the Central Government according to its demand. Looking to the needs and importance of the departments, the purse should be divided among the Members of the Executive Council and Ministers, with an eye to the fact that the nation-building departments do not feel any want of funds.

The Governor-General should have the power of superintendence, direction and control of the Civil and Military Government of India. He will also carry out the policy and order of the British Government expressed through the Secretary of State for India. He will be responsible to the British Parliament for the good administration of the country. He will administer Central subjects through Ministers, who will be responsible to him for the good and efficient administration of the departments under each of them.

All the Ministers of the Governor-General should be recruited from amongst the public men both of India and England. These Ministers will advise the Governor-General in all matters, but their advice may not always be accepted. When the Governor-General fails to accept the advice of his Ministers, he will write a note stating reasons of his not accepting the advice, and that note is publishable on demand. In some matters, social, educational, and legal, the Governor-General should accept the opinion of the Assembly. When the opinion of the Assembly clashes with the policy of Parliament, the Viceroy, in consultation with the Secretary of State for India, may veto the bill passed by the Assembly, and he will publish his reasons for the satisfaction of the people. The Assembly should be taken as the representative body of the people.

As there is sufficient power for checks and balances, we find no necessity of the Council of State, and we humbly urge you to abolish the same immediately.

The Governor-General will personally look into the working of the Provincial Governments as well as the administration of the Central subjects. All the heads of the departments should be personally accountable for the efficient working of their departments to the Ministers in charge of those departments. When the Legislatures will see that the working of a particular department is not going on efficiently, or on a good line, they may express their disapproval of the same by token cuts, and also by refusing the salary of the Minister or Ministers who are in charge of that department. On the recommendation of the Governor-General, the Premier will restore the salary or the required money. By this the Cabinet will have a chance to see the working of the Government in particular matters. But if the Legislatures refuse the grant or the salary successively for three times, that grant or the salary should not be restored in order to respect the opinion of the people's representatives. To this extent the Executive will be responsible to the Legislatures. The Governor-General will appoint from the non-official members of the Assembly the Under-Secretaries of his Ministers.

*Relation between Central and Provincial subjects :—*

Of the Central subjects, we suggest especially that Ports, Customs Duties, Cotton Excise Duties, Income Tax and Jute Tax should be under the control of the Provinces, and the Provinces will contribute to the Central Government the sum required every year. Meston Settlement should not be revived, and no other settlement is necessary. At the request of the Viceroy, the Provincial Governments will contribute in their respective share the money required by the Viceroy.

Law and order, justice and defence of India should be in the hands of the Governor-General, and the Governors, and they will be responsible to the British Parliament for these matters. As far as possible the Government will try to accept the advice or opinion of the people expressed through Legislatures. The Government will see that all these should be used for the Indians, and not for the Empire.

Up till now, the Government is following the policy of conservatism, and is almost always constantly and systematically opposing almost all sorts of social reforms demanded by the progressive Indians. The Government should change its policy, and always leave the matters in the hands and opinion of the Indians. The Government members will be allowed to vote according to their personal and individual choice. The Government, instead of going back, should always keep pace with the idea of the people, and help the Indian people to come out of all sorts of superstitious old ideas.

Instructions have been given by the Home Government to the Indian Government, and also by the Viceroy and the Governors, to their Ministers, to give special protection to the classes who, from their lack of education and material advantages or from any other causes, especially rely upon the protection of the Government, and cannot rely upon their

countrymen, and to take special care for the amelioration of their conditions. But we regret to note that no such protection has been given, or care has been taken for the amelioration of these Depressed, or more correctly the Oppressed, Classes. The Government is busy to see the claims of the agitators fulfilled, and the happiness of the happier more increased.

We venture to state that the British Government, on whom we look not only as our protector, but also as the God-sent deliverers of our misery, thought it insignificant, while enacting the Government of India Act of 1919, to take into consideration the claims and miseries of the Depressed Classes, and made no provision for the safeguard of these unfortunate people. How ludicrous it is that in that Act only one representative was suggested of so many people, numbering about one third of the total population of the province, and that also is by nomination, while other classes who have been occupying all the seats of the council by election, with as many as five more seats by nomination. While the employers have got the right of sending a large number of representatives, the labouring classes have got only two members by nomination. The land-holders, or zamindars, have got a special favour of sending from special constituency five of their men, in addition to about 75 more from the general constituencies. Over and above these, many of

their men come in by nomination. As for the Assembly, the Depressed Classes have got no right to send their men. Even the nominations are made from the classes who have already captured the central legislative bodies, and are friends of the high officials or Ministers. Only for an excuse of the Statutory Royal Commission one gentleman from the Depressed Classes has been nominated to the Assembly this time. It is still more ludicrous that the members of the Non-depressed Classes have been eligible to represent the Depressed Classes.

We now humbly beg of the Commission to see that the British Government should issue instructions, in the line of the Instrument of Instructions issued to the Indian Government in the Act of 1919, and also make provision to carry the Instructions into action.

We humbly beg to impress upon the Commission that we have right to live as others do, and let our works be done by ourselves.

In conclusion, we beg to submit that we propose to tender oral evidence in support of the Memorandum on behalf of the All-Bengal Namasudra Association, and the Namasudra Community of Bengal. It was so resolved unanimously at a recent meeting of the members and the thinking leaders of the community. We have unanimously elected for this purpose Mr. Mukunda Behary Mullick, M.A., B.L., of No. 59, Badreeda Temple Street, Calcutta.



## Memorandum submitted by the Bengal Depressed Classes Association.

In submitting the enclosed written statement we should like to make it clear that we have not put our suggestion regarding the several matters under enquiry by the Commission. We are of opinion that it is essential for us to submit in as clear terms as possible and it is no less important for the Commission to realise the true position that the Depressed Classes occupy in the country. So far as the details are concerned, we hope to make the same clear by our oral evidence which we tender in support, as also in amplification of the written statement submitted herewith.

At the same time, we should here like to state that we have had an opportunity of discussing the matters under enquiry by the Commission with the members of the Committee appointed by the All-Bengal Namasudra Association to draft their written statement, and we have also had opportunity of looking into their suggestions. We submit that we are in general agreement with the suggestions made by them and we adopt the same generally for the present. We only crave leave to be allowed to furnish details by oral evidence at the time of enquiry later on.

The Depressed Classes form more than 58 per cent. of the Hindu population of Bengal. According to last census their number is 11½ millions. The Namasudras are the most prominent class amongst them, numbering 2,007,250, in 1921. They have made vigorous, steady and successful fight for the self-elevation. Annual conferences are held to right their wrongs and advance their rights. They are the second Hindu caste in Bengal, the Chasi Kaibarta (Kahisya) alone being more numerous. They are in greatest strength in the districts of Faridpur, Backargonj, Dacca, Khulna, Jessore, and parts of Mymensingh, Tippera and Pabna. They have improved their economic position in recent years to some extent and, perhaps, would have shown better prospects but for the oppression by their landowners and money-lenders.

The expression "Depressed Classes" has attained a political significance which has been enhanced by the provision of their special though inadequate and nominal representation in the Legislative Council.

Some have taken objection to the term, Depressed Classes, as the classes included are not really low or in any way inferior to the so-called higher classes. Given equal opportunities they are capable of showing equal progress, as has been proved by the result of examinations.

The caste system stigmatises these classes as untouchables, as water touched by these classes of people is not drunk by the so-called higher classes. Their very presence in a room is said to pollute water and cooked food. They are not allowed to enter public temples. Mr. M. C. Kitter, in "A Study in Ideals," says:—"Caste is another of the institutions which by rigidity and tyranny plays a considerable part in retarding and hindering India's advancements. Castes in some form exist in every country, but elsewhere, as in ancient India, a member of one caste may by qualification, occupation and worthiness be shifted to another by acknowledged authority. The system of caste as instituted and as prevailed until the Aryan began to degenerate, was beneficial, since it regulated division of labour for the community." Sir T. Madhab Rao said:—"The longer one observes and thinks, the more does one feel that there is no community in the face of the earth that suffers less from political evils and more from self-inflicted, self-accepted or self-created and, therefore, avoidable evils than the Hindus."

Though these suppressed classes are classed and reckoned as Hindus they are denied all rights as Hindus and are really treated as people outside the pale of Hinduism.

The Depressed Classes in India form a vast multitude. A question that is agitating Hinduism at the present moment is as to whether these Classes

should be counted as Hindus or not. Ten years ago the answer would have been emphatically in the negative; even now this conservative feeling of the country is for their exclusion. But the conscience of the more advanced section of the educated Hindus is a little sensitive on the point. It is awkward to be reminded by rival Muhammadan politicians that more than half of the total Hindu population is not accepted by Hindus as a part of themselves. It is obviously desired by the Hindus in the presence of such an argument to claim the Depressed Classes as within the pale of Hinduism. But if they are to be so reckoned, logic demands that they should be treated with greater consideration than at present. But the stoutest-hearted reformer admits to himself that these difficulties in the way of effective action in this matter are great; as strong as the hold that caste has on the Indian mind.

These suppressed classes prefer British rule to Home rule for India. They remain aloof from the Swadeshi boycott, non-co-operation and recent independence movement started by the handful of agitating Indians.

They are mostly agriculturists, labourers, artisans, and traders. They produce crops and maintain the so-called higher classes. Their improvement in the social and economic scale is due to British rule. But it is also necessary to mention here that the high Government officers, having been recruited from the so-called higher classes, put all possible obstacles in their way, and the Government have not fully discharged their duties towards these classes in spreading education and giving suitable appointments to deserving candidates as an impetus to further progress. There are special schools for these classes outside Bengal, but no such school has been started in Bengal.

The Village Education Commission says: "Speaking generally, it is still the case that the casteman not only does nothing for the enlightenment of the outcaste, but puts positive obstacles in his way, knowing that if he is enlightened, he can no longer be exploited."

The Depressed Classes have from time immemorial been specially condemned to illiteracy by the brother Indians. The Education Commission of 1882 recommended that the principle that no boy be refused admission to a Government School or College on the ground of caste be reaffirmed and applied.

At the same time the Commission recommended that the establishment of special schools for children of low castes be liberally encouraged. During the last sixty years certain sections of the Depressed Classes, especially the Namasudras, are making sustained efforts to improve their condition and have organised themselves to some extent to support schools of their own. Towards the total of 96,552, which represents the pupils of the Depressed Classes under instruction in 1921-22, the Namasudra community alone contributed no less than 49,273. Out of 197 students of these classes in the University College, 144 belonged to the Namasudra community, in 1921-22. Owing to lack of incentive, the number of Namasudra students in high English School fell from 1,489, in 1916-17, to 1,025, in 1921-22. In primary education they have made considerable headway. The population and the number of literate males of the Depressed Classes are going below. At the time of making Permanent Settlement with the Zamindars of Bengal, Government assumed the power of enacting laws for the welfare of the tenants. But nothing has been done to protect them against the oppression and unlimited power of enhancement of rent by landlords. His Gracious Majesty the King Emperor in his Royal Proclamation regarding the inauguration of the Reformed Constitution, had the interest of not-fully-developed communities specially in mind and laid a special charge on the people and their representatives to protect them. We recall his gracious words: "In marching towards the goal there will be need of perseverance and of mutual

forbearance between all sections and races of my people in India. I am confident that their high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interest of the masses who cannot yet be admitted to the franchise. I rely on the leaders of the people, the ministers of the future, to face responsibility and endure sacrifice for the common interest of the State."

A review of the work of the Legislature during the last few years will clearly show that the interest of the masses, the Depressed Classes and Raiyats are not safe in the hands of the so-called leaders.

Late Mr. E. S. Montagu and Lord Chelmsford, in their report on Indian Constitutional Reforms, said: "We have shown that the political education of the Raiyats cannot be rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is, and until it is clear that his interest can be safely left to his own leaders or that the Legislative Councils represent and consider his interest we must retain power to protect him. We intend to make the best arrangements for their representation in order that they, too, ultimately learn the lesson of self-protection. But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our hands of helping them."

The Bengal Electoral Rules provide that two persons shall be nominated to represent respectively the following classes or interest, namely: (i) the Indian Christian Community, and (ii) classes which in the opinion of the Governor are depressed classes; and two shall be persons nominated to represent the labouring classes.

We fail to understand how the nomination of one member can be held to be the best arrangement for representation of the Depressed Classes, numbering at least 11½ millions according to the last census report, which has excluded such castes as Dhoba, Sunri, etc., but who have been included in the list prepared by the Educational Commission with the Government of India, as given in the Calcutta University Commission Report, Vol. I, part I, page 188, while two members are nominated to represent the labouring classes, numbering about 5 lacs (including females and children) and one member to represent about one lac Indian Christians only.

The so-called leaders, and more especially the self-assumed "heaven-born leaders," have done nothing, nor even made any provision for the protection of the Depressed Classes. Even the so-called All-Party Conference has not thought fit to consult the opinion of the Depressed Classes. On the contrary, attempts have been made to ignore them at all.

It has been proved beyond doubt that the present system of election is quite unfair to the Depressed Classes and the Raiyats. Landlords and money-lenders and men of influence and power, posing as friends of the Depressed Raiyats, manage to be returned as members in the Legislative Council, but that they forget their promises when the time of voting or a motion apparently against the interest of the Raiyats and the Depressed Classes come up before them in the Councils.

So, we earnestly suggest that a number of seats in proportion to population should be reserved for the Depressed Classes, and separate Electorates should be created for them. The franchise should be made as wide as possible. Every adult male member should be given the right to vote. The system of taking votes should be changed, so that there may be no difficulty for illiterate voters in recording their votes. Number of polling stations should be so increased as to be easily accessible to the voters.

The Depressed Classes should have their due share in the administration and public services. Government posts are mostly at the disposal of the Indian officers, who are not sympathetic towards these Classes, and in spite of the repeated assurance of Government that the claims of the deserving candidates of the Depressed Classes will be sympathetically considered we see every day that our deserving candidates are superseded by the influence of Hindu officials. So we press for reservation of at least 40 per cent. of the posts for the Depressed Classes.

We beg, in conclusion, to submit that we adduce oral evidence in support and in amplification of the written statement by furnishing details. It was also unanimously resolved at a Special Conference of the Association; and Mr. Dhananjoy Roy, M.A.B.L., Pleader, Alipore, 24 Perganas, Secretary, Bengal Depressed Classes Association, and Rai Sahib Rebat Mohan Sarker, N.L.C., Vice-President of the Association, have been selected for the purpose.

## CALCUTTA.

21st January, 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT DR. SUHRAWARDY), AND OF THE BENGAL PROVINCIAL COMMITTEE.

## Deputation from the Bengal Depressed Classes Association and the All-Bengal Namasudra Association.

The deputation consisted of :—

Mr. MUKUNDA BEHARY MULLICK, M.A., B.L.,  
President, Namasudra Association.  
RAI SAHIB REBATI MOHAN SIRCAR, M.L.C.  
Mr. DHANANJOY ROY, M.A., B.L.  
Mr. MONO MOHAN DAS.  
Mr. JAYA GOPAL BISWAS.  
Mr. BIRAT CHANDRA MANDAL.  
Mr. RADHA NATH DAS.  
Mr. BHARAT CHANDRA SIRCAR.  
Mr. RASIK LAL BISWAS, B.A.  
Dr. BANAMALI DAS.

1. *The Chairman* : Mr. Mullick, you, I think, are the president of the Namasudra Association?—*(Mr. Mullick)* Yes, sir.

2. And we are receiving together the representatives of the Bengal Depressed Classes Association and the All-Bengal Namasudra Association?—That is so.

3. To a very large extent they have got similar points of view, and we see that there are a number of other gentlemen with you; of whom, I think, some are members of the Bengal Depressed Classes Association?—Yes, they are.

4. And others are members of the All-Bengal Namasudra Association?—Yes.

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5. *Rao Bahadur Rajah* : \* \* \* Mr. Mullick, you represent both the Bengal Depressed Classes Association and the All-Bengal Namasudra Association?—Yes, I do.

6. These are the two pioneer Associations in the Bengal presidency?—That is so.

7. Apart from these you have got minor Associations also?—There are.

8. On page 96 of the memorandum from the Bengal Depressed Classes Association you say that the population of the Depressed Classes in Bengal is eleven and a half millions?—That is so; it will be more now. We have taken the figure from the Government census report.

9. That forms about 58 per cent. of the Hindu population of Bengal?—That is so.

10. On the same page you say: "The caste system stigmatises these classes as untouchables, as water touched by these classes of people is not drunk by the so-called higher classes." We understand that. But you further on say: "Their very presence in a room is said to pollute water and cooked food."—Yes, that is so.

11. "They are not allowed to enter public temples." Will you just make it clear to the Commission what is meant by that?—If a Depressed Class man enters a room where there is water and food cooked by a high class Hindu, that water and food will at once become polluted. With regard to public temples, the Depressed Class people are not allowed to enter them. A case of this kind has happened recently, and the case also went up to court.

12. How do these Depressed Classes live in the

mofussil?—They live in the villages, but they have got their own localities, what are called *pallis*, *pallis*, *paras*, and so on. They do not live side by side with the caste-Hindus.

13. Am I to understand that the Depressed Classes live in separate localities called *pallis*, *pallis*, and so on?—Yes, that is the situation.

14. And these are known as *Muchi pallis*, *Chandal paras*, and so on?—Yes.

15. Supposing a member of the Depressed Classes wants to go and live in a caste village, will he be allowed there?—I think not.

16. I suppose you have got wells dug out by district boards?—Yes.

17. Are there wells dug out by the district boards in these *pallis*, and so on?—We have not any.

18. Supposing these people want to take water, will they be allowed to take water from the district board wells?—Certainly not.

19. Then what do they do?—In Bengal we have got canals, tanks in the *pallis* and *paras*.

20. Are you allowed to take water from the tanks?—If the tanks are situated in the caste-Hindu quarter we are not allowed to take water, and even if they are allowed, they will be allowed to take water from particular portions of the tank.

21. I am told that a certain dirty corner of the tank is allotted to these Depressed Classes; is it a fact?—It is a fact.

22. As regard the children of the Depressed Classes, have you separate schools conducted by the district boards or local boards or municipal councils in these village parts?—No.

23. Then where do these children read?—It is very difficult to find accommodation for them. That is the difficulty in many cases.

24. I suppose there are district board schools?—Yes.

25. Where are they located?—Mostly in the caste-Hindu quarters.

26. If the children of the Depressed Classes want to read they have to go to the caste-Hindu quarter?—Yes.

27. Do they get admission there?—It is very difficult and the distance also is very great. Admission is not always given.

28. Are the children provided with separate benches in the schools?—When they get admission, that is the problem.

29. The caste-Hindu boys are allowed to sit with their shoes on, whereas the boys of the Depressed Classes are asked to remove their shoes when they enter the school?—Yes; they are not allowed to put their shoes on when they read in these schools.

30. As regards water facilities in the schools, do these Depressed Class children get water to drink when they get thirsty?—That is another difficulty. There is no arrangement for these children to drink water. I myself had the experience in my boyhood. We have to wait outside the room where water is kept till a caste-Hindu friend comes and puts water in our hands.

31. You are not given even a vessel?—No.

32. Are the Depressed Class children allowed to

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touch the caste-Hindu children in the schools?—No.

33. Supposing by accident he touches?—Then the consequence is very serious. The Depressed Class boy will be thrashed. Recently there was a case. The parent of the caste-Hindu boy who was touched by the Depressed Class boy thrashed the latter, and the case went up to the court with the result that the parent was fined Rs.10. That happened recently.

34. Are these stray cases?—No, no. I am only giving the cases which are uppermost in my mind at the present moment. These are common occurrences.

35. Do barbers shave you?—No: the barbers that shave the high caste Hindus do not shave us.

36. Do the dhobies wash your clothes?—No, not the ordinary dhobi.

37. You have got your own barbers, your own dhobies, your own priests, and so on from your community itself?—Yes.

38. *Raja Nawab Ali Khan*: What do these priests call themselves?—They call themselves priests. They belong to our class. Even our gods are Depressed.

39. *Rao Bahadur Rajah*: The ordinary Bengali Hindu barber or dhobi will not do service to you?—No.

40. You are an educated man?—Yes I think so.

41. You know some time ago there was an agitation that in the hotels and refreshment rooms in Edinburgh the Indian students were not allowed to enter. Will you kindly tell the Commission whether in the hotels and refreshment rooms run by the Hindus in Bengal, the members of the Depressed Classes are allowed to enter?—Not at all.

42. Even though you pay double the price?—If they know the caste, they will never allow you.

43. You have got your own temples and mandirs?—Yes.

44. You have got your own gods?—Yes.

45. The caste-Hindus do not worship them?—There is no question of worship; they do not even bow down to them.

46. They consider them as untouchable gods?—Yes.

47. *Sardar Shivdev Singh Uberoi*: What sort of gods have you got?—We have got the same gods as the caste Hindus have. The gods are the same; the idols are different.

48. *The Chairman*: Will you kindly tell me which caste you belong to?—The Namasudra community.

49. There are nearly two millions of them?—That is the number in Bengal.

50. *Rao Bahadur Rajah*: You have post offices in these localities of yours?—No.

51. Post boxes?—No.

52. Supposing a member of your community wants to buy a post-card, what does he do?—He has to go to the post office, which is situated in the caste-Hindu quarter. He has to throw the pice on the counter and the post-card is thrown back by the clerk in charge. The clerk does not take the coin from the hands of the Depressed Class man, nor does he hand over the card to him. He throws it to him.

53. You have got your hereditary titles, like Mandal, Patre, Rai, Mullick and so on?—Yes.

54. Suppose there is a Depressed Class man, Akshay Kumar Sircar, the letter is not delivered to him as such, unless the term "Muchi" is added?—Yes, unless his caste is put down.

55. If he wants to buy a post-card, he has to stand in the verandah and pass on the coin to the clerk, who will throw the card to him?—Yes. He will not take the money from the hands of the Depressed Class man.

*The Chairman*: The difficulty about all this is this. We have heard it in different forms, I am sure, with a great deal of sympathy and interest. This is a constitutional enquiry, as you know, and

what is the direction in which the constitution of India, which is a written constitution, must be changed? I am not quite clear what all this is going to lead to.

*Rao Bahadur Rajah*: The reason why I am putting these questions is this. The condition of the Depressed Classes in the Madras Presidency was worse. The Depressed Class man could not even enter the street in which the post office was located. Now, gradually, on account of bringing such questions in the Legislative Councils, such things are being set right. What I wish to point out is that unless we have got proper representation, these social differences cannot be set right.

56. *The Chairman*: That is perfectly to the point. That is raising a constitutional question. This is all designed to show, is it, that this very large population, 11½ millions, according to one figure, of castes that are called Depressed in the presidency cannot expect to get their condition of things improved until their representation in the council is increased?

*Rao Bahadur Rajah*: Yes, that is my point.

*The Chairman*: I should like to know from this deputation what representation they suggest. What do they want?

*Rao Bahadur Rajah*: I will bring out the point, sir.

57. Even the postmen do not enter these Depressed Class localities?—No. If by chance they find anyone near about the post office, they send all the letters through him. It does not matter to him whether the letter reaches the proper man or not.

58. *Mr. Hartshorn*: You mean to say that there is no provision made by the postal authorities to have any letter addressed to your community properly delivered?—The postal authorities might have. But what we find is that letters are not delivered to us except through this channel that I have mentioned. The letters are sent through anybody whom the postmen meet.

59. *Colonel Lane-Fox*: Do you ever report?—We can make reports, but the difficulty is about enquiry.

60. *The Chairman*: Better make it plain, if you will. The difficulty, you say, is about the enquiry; what does it mean?—Unless the letters are registered, there is no record of them. If you go and make a complaint, they may say, "No such letter has been received." We have got a journal of ours, and we find that when it is sent out to the persons by value payable post it is often returned as refused, while we know that it is never taken to the addressee.

61. At present there is a nominated member of the Bengal council, nominated by the Government, to represent those classes which in its opinion are Depressed. You have such a member?—Yes, he is my friend, Rai Sahib Sircar, who is here.

62. Rai Sahib, has this last matter about the post office come to your notice?—(*Rai Sahib Sircar*) Yes.

63. Have you ever raised the question on behalf of your constituents in the Legislative Council?—I am alone in the Council and it is very difficult to bring it in the Council.

64. *Rao Bahadur Rajah*: As regards schools and colleges, you have got also hostels in which the Depressed Class students are admitted?—(*Mr. Mullick*) They are not admitted into the hostels.

65. I understand there are some hostels here in which they are admitted. In such cases do they dine jointly with the other students?—Separate arrangements are made for accommodation and for food.

66. They have got to clean their own utensils?—Yes.

67. But in the case of the caste Hindus?—They are provided with servants.

68. In some hostels where bathing ghats in tanks

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are provided, there are separate ghats for the Depressed Class students?—Yes.

69. They do not have a joint mess with the caste-Hindu students?—They do not have.

70. There is a Government Sanskrit College in Bengal?—Yes.

71. Are the Depressed Classes allowed into this college?—No.

72. You are a member of the Bar?—I am.

73. Even in the Bar library there are different arrangements for drinking water?—In the district and sub-divisional courts there are different arrangements.

74. Separate tumblers are kept?—Yes.

75. The boy in charge of the caste-Hindu room refuses to serve water to you?—Yes, that is so.

76. I suppose there are a number of graduates in your community?—There are a fair number.

77. Four hundred to five hundred?—Yes.

78. There are M.A.'s and B.A.'s?—Yes.

79. Are there many of them in the public service?—Only a few.

80. I should like to know whether they find any difficulty in entering the provincial or subordinate services?—Yes, they do find difficulty.

81. I understand as recently as January, 1921 (1928) they recruited some sub-registrars?—Yes.

82. And for that the Government asked the various Commissioners to send up nominations?—Yes.

83. The Commissioners in turn asked the various Collectors?—Yes.

84. That is, qualified candidates for these posts?—That is so.

85. In the Dacca division, I understand, the Commissioner sent in four nominations?—Yes.

86. Two Hindus and two Muhammadans?—Yes, that is so.

87. Out of these two Hindus only an M.A. belonged to your community?—To one of the Depressed Classes.

88. And the other was a B.A., a Kayastha?—Yes.

89. Of the other two Muhammadans, one was an M.A. and the other a B.A.?—Yes.

90. And out of these, two were appointed?—Yes.

91. Although in the notification it was said that preference would be given to Backward and Depressed Classes?—I believe that was the notification.

92. In spite of that they thought it fit to offer the appointment to the B.A. Kayastha, overlooking the Depressed Class M.A.'s claims?—Yes, it was published in the last Gazette.

93. Again, in June, 1928, in the Dacca Civil Court, there were a number of vacancies for clerks, but they did not even care to advertise?—That was what we knew.

94. There were a number of graduates belonging to the Depressed Classes who sent in their applications for these clerkships, but the son of an official who was a Matriculate was preferred?—That we discovered later.

95. And a brother-in-law of the head clerk, an undergraduate, was preferred?—Yes.

96. And the graduates belonging to the Depressed Classes did not get a chance?—No.

97. And recently, about five months ago, there were some appointments under the Controller of Currency, in Bengal?—Yes, and also under the Accountant General, Bengal.

98. There, also, members of the Depressed Classes who were graduates, applied for those posts?—They did.

99. And they did not get them?—No, although an advertisement was made and it was said in the advertisement that some appointments would be reserved for them.

100. Also, as regards sub-registrars in Khulna, Faridpur and Jessore districts, several members of the Depressed Classes, graduates, applied for these appointments, but they were not preferred?—They were nominated by the Collectors, but I do not know what happened after that.

*The Chairman:* It seems to me, Mr. Rajah, that you have given us, with the help of the witnesses, some illustrations. It may be that they may be challenged; but let us assume that it does indicate, and it does seem to me it indicates, a very grave social condition in India. Now, I would like to know from this deputation what it is that they suggest should be done?

101. *Rao Bahadur Rajah:* Mr. Mullick, till to-day, the 21st January, 1929, you have been exercising your franchise in a joint electorate?—That is so.

102. Although you do not have joint worship, you do not have joint messing, joint bathing and joint social functions?—Yes.

103. And you have been rubbing shoulders with high-caste Hindus?—Yes.

*Rao Bahadur Rajah:* Why do you want separate electorates now?

104. *The Chairman:* I understand, at present, members of the Depressed Classes, if they had the franchise qualification would have voted in the non-Muhammadan constituencies?—That is so.

105. In substance they have been voting with the other Hindus?—That is so.

106. Now, you say you would like to have separate electorates for these Depressed Classes?—Yes, sir.

107. Will you explain to us, why?—We see the position that we have been driven to after exercising our vote in the joint electorate with the high-caste Hindus, and but for that condition, perhaps, there would have been no necessity for us to come before this Commission and put forward our grievances which we have been feeling from time immemorial. It is for that reason that we ask for a separate electorate, so that we might be entitled to return our own representatives, our true representatives, to the Council, from where we know all this may be remedied.

108. Just let me put this question to you. We want to consider this in a practical way. You may be quite sure that we feel a great deal of sympathy with the kind of difficulties that you describe, but we want to see how far constitutional arrangements are likely to help you. Are you proposing that the franchise under which members of the Depressed Classes can vote is to be the same as the franchise for other people, or different?—That we have to leave to this Commission, but we have suggested in our Memorandum that the franchise should be given to every adult male member.

109. You want adult franchise?—Yes.

110. Unfortunately, there is a good deal of illiteracy as yet in India, though generally speaking, Bengal has a very good record so far as literacy is concerned. But considering the disadvantages of the Depressed Classes in regard to schools and so on, I should fear there would be at least as high a percentage of illiteracy amongst the Depressed Classes as in any other section of the population, is not there?—The percentage of illiteracy is very great, no doubt.

111. Are you proposing adult suffrage for the Depressed Classes in spite of the fact that they have a very large percentage of illiteracy? They would be able to vote, would not they, only because the returning officer would try to find out what they wanted to do?—Some method must be found so that they can exercise their vote freely.

112. Are you content to leave to a high-caste Hindu the business of being a returning officer and marking your ballot paper as you want it marked?—We have suggested in the Memorandum that to obviate that difficulty coloured boxes for the different candidates should be used in the polling booths, so that the voter may know for whom he is voting and where to put his voting paper.

113. The coloured box plan? I see. There is another thing you have to deal with. In so far as it is a question of ostracism by high-caste Hindus, you people suffer because you are regarded as being inside the Hindu circle; but there are some people,

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who are in a very backward or depressed condition who are not Hindus at all?—I do not know whom you would mean by them. We are speaking of those who are by chance regarded as Hindus, for lack of another name.

114. What I mean is this. Do you think it would be justifiable to give a franchise as wide as adult suffrage to the Depressed members of the large Hindu community, but to leave unenfranchised people who are at the lowest level, let us say, among the Muhammadans or other communities?—So far as this deputation is concerned, we are here to submit our case. That question has not been considered by our Association, and I am not in a position to give a straight answer to it.

115. There is one other thing I should like you to tell me. One observes, of course, that you, sir, are an advocate, and we have heard that a number of members of the Depressed Classes are M.A.'s and people who have done well in the University. Do you not think there has been some improvement in the last twenty years?—In what way?

116. Do not you think the position of the Depressed Classes has improved in the last generation?—There may be grades. In the matter of education, we have been forced to establish schools for ourselves, and there has been some improvement; but so far as other aspects of the matter are concerned, and with regard to what we understand to be the object of this Commission, so far as getting proper representation in the administration of the country is concerned we are as backward as before.

117. Let us take it in figures. How many members out of the whole do you think the Depressed Classes should have? Can you suggest any figure?—We are not in a position to give the number at once, because the whole thing has to be considered. The figures are with Government, and it may be for this Commission to decide what the number should be.

118. I am putting difficulties, not because I am in the least unsympathetic, but because I want you to deal with them. The difficulty which has been suggested is this. You obviously could not make a franchise for the Depressed Classes unless you had a list giving every man's name, so that every man was on a list of voters. Do you think the list of castes is so clearly established that there is no dispute as to which castes are Depressed and which are not?—I believe that point is not open to any further debate, because in the council Government were asked several times as to which these castes were, and I remember Sir Hugh Stephenson (the present Governor of Bihar and Orissa) said that it had been settled once for all, and that it was down in the Government records what these castes were.

119. You see, the census gives a list of castes, and the numbers add up to just over eleven millions?—Yes.

120. But not very long ago there was the Calcutta University Commission, and they looked into this and published a list of castes which was not the same as the census list, and their list adds up, not to eleven, but to seven millions. Everything depends, does not it, on which castes you include?—Perhaps an objection was raised by some of the castes which were included in the census list, and they asked not to be included in the Calcutta University Commission list.

121. Those were the difficulties which occurred to me, Mr. Mullick. I am not in the least (as I have told you already) lacking in sympathy, nor are any of us, but we are engaged on a practical task, and we want all the help we can get to enable us to discharge it. You think those difficulties could be got over, and you would prefer election to nomination?—Yes. We prefer election to nomination.

122. Are you quite satisfied that in the present state of affairs if there was an election the Depressed Classes would not be under a good deal of influence to vote for somebody whom other people wanted

elected?—If they had a separate electorate there would not be that trouble.

123. Are you sure of that?—Yes.

124. *Rao Bahadur Rajah*: Up to now you have been exercising the franchise in a joint electorate?—Yes.

125. What happened in the 1921 election? Am I right when I say that because you were in a joint electorate the caste people, who predominated in great numbers, put up an ordinary illiterate cobbler to spite your community, and he was returned to the council?—Yes. Although there were many qualified candidates, these people put up an illiterate cobbler to put us to disgrace.

126. But if you had a separate electorate, you would return your true representatives? You would be able to return the men whom you would like to have as your representatives if you were acting alone and independently?—That is so.

127. Moreover, am I to understand that a separate electorate will be a sort of political school for educating your community in the effort to exercise the franchise and criticise policy?—Yes.

128. If you have a separate electorate, you will be articulate, and will be socially respected by other people?—That is so.

129. *Rai Sahib*, you are a member of the Legislative Council?—(*Rai Sahib Sircar*) Yes.

130. What do you think of the attitude of that body towards the Depressed Classes?—It is unsatisfactory.

131. Has any legislation been attempted in your council to ameliorate the lot of the Depressed Classes?—No.

132. Has any legislation been passed of practical use to these people?—No.

133. Since the inauguration of the Reforms, has Government secured to members of the Depressed Classes their civic rights, which have been denied them for ages?—(*Mr. Mullick*) No.

134. Are you satisfied that the Government have used their right of nominating Depressed Class representatives to local bodies properly?—No.

135. *The Chairman*: I do not follow this. What right of nomination to local bodies do you refer to?

*Rao Bahadur Rajah*: I am speaking of nomination of members to District Boards and Municipal Councils.

136. *The Chairman*: I realise the Government has the power to nominate people, but is there anything in the law which says that these people are to represent the Depressed Classes? I do not think so.—(*Mr. Mullick*) There is nothing in the law, but we feel that in the case of District and Local Boards which deal with district and sub-divisional local affairs, after the elections are over, when the Government and the Government Officer who is there (the Collector or Commissioner) finds there is this body of people who have not been able to return their candidates, it is the duty of that officer to get over the difficulty by nominating some one of them, and that has not been done.

137. It is a general power of nomination?—Yes.

138. And you think the Government, in filling these nominated posts, has not considered sufficiently the importance of getting, amongst others, Depressed Class men nominated?—That is so.

139. *Sir Hari Singh Gour*: I do not think that is what Mr. Mullick means. I think he means Government have nominated members of the Depressed Classes, but not of the right type?—No, I did not mean that. In most cases they have not nominated any representative of the Depressed Classes. It is not a question of right type or wrong type; in most cases they have not nominated anybody.

140. When they have been nominated, have not they been your representatives?—Only on one or two boards.

141. *Rao Bahadur Rajah*: Out of the 27 Boards in this Presidency. With regard to adult franchise, if it is not possible to have it, if there are difficulties in forming these big electorates, what is your alterna-

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tive?—We would not press for that for the present, because there may be difficulties.

142. *The Chairman*: What is your alternative?—We want separate electorates, of course.

143. *Rao Bahadur Rajah*: But as regards the franchise?—To lower the present one. That we leave to the Commission. The present franchise is Rs1 cess or Rs2 chaukidari tax or income tax. We would suggest as an alternative the payment of any cess—not a Rs1 qualification—and the minimum cess which can now be paid is 6 annas. Payment of any cess should be a qualification for that purpose. We would not go to the length of adult franchise at present, but would leave it there.

144. *The Chairman*: Have you any kind of idea how many of the Depressed Classes are enfranchised and vote under the present constitution—how many out of your eleven and a half millions?—It is difficult to give an exact idea.

145. I am sure it is, but is there any sort of guide you can give us?—We shall have to find out an approximate figure, but it is very difficult to get at the exact number.

146. *Rao Bahadur Rajah*: Can you give any percentage, any proportion?—It is difficult to give a percentage, but no doubt large numbers of our people have the franchise.

147. And you want representation in proportion to your population?—Yes, that is what we want.

148. *Lord Burnham*: On page 169 of the Government Book,\* there is a paragraph 237 on the attitude of the Council here towards the Depressed Classes, and it ends by a quotation: "There is more than a little truth in the bitter words of a speaker on the Budget of 1922"—and these are the words—"So far as sweet words are concerned, I admit that from the highest rulers of the province to the so-called Leagues, every one shows sympathy with the condition of the Backward Classes. But when the time for practical action comes, all sympathy evaporates." Do you believe that to be a true statement?—That is an exact statement of affairs.

149. Then if the main thing is that you should get adequate representation, supposing it is not found possible to give you the adult franchise for which you make a claim, you would rather, I imagine, have a system of representation by nomination than a franchise restricted as the general franchise is now for your own castes?—We should go in for a separate electorate rather than ask for nomination.

150. *Mr. Hartshorn*: I would like to pursue the question put by Lord Burnham. I understand that what you desire is that we should adopt adult suffrage?—Yes, that is our submission.

151. And running with that, you would like to have separate electorates in which the Depressed Classes would elect their own representatives?—Yes.

152. You say, if you cannot have adult suffrage you would like to have such a lowering of the qualification as would bring in a much larger number of your community as voters than at present?—Yes.

153. Suppose the Commission are unable to recommend adult suffrage or separate electorates for the Depressed Classes, but would be prepared to recommend adequate representation for the Depressed Classes by nomination, what would you regard as adequate representation for your community if nomination were decided upon?—We would not go in for nomination at all, and that is the view that we come to as an Association, and, having seen the unsatisfactory results of the nomination in the last three elections, we would not go in for nomination at all.

154. How many seats do you think should be reserved for you if you were to have your own electorates?—That, of course, ought to be left to this Commission, because it is so difficult to give a straight answer at once.

155. You are 25 per cent., 11½ millions out of

46 millions; that is your population ratio?—Yes.

156. Assuming that figure to be correct, are you expecting to get seats in proportion to your population, or something less than that, or something more?—We expect to have seats according to the proportion of our population.

157. Then you expect to get 25 per cent. of the seats in the Council?—That is our expectation.

*Sir Sankaran Nair*: They have said that in their Memorandum.

*Mr. Hartshorn*: I see in their Memorandum they are asking for 40 per cent. of the posts.

*Sir Sankaran Nair*: Yes, and 25 per cent. of the seats. Would you allow me, sir, to put in one word of explanation?

*The Chairman*: Certainly.

158. *Sir Sankaran Nair*: You claim adult suffrage, but in all the Memoranda you say you want adult male suffrage, and you object to women's suffrage. Do you depart from that position?—We have asked for adult male suffrage and not female suffrage.

159. And you oppose the female suffrage?—Yes.

160. Your position is the same now, also; you do not want women's suffrage?—No. Our position is the same.

161. *Mr. Hartshorn*: Why?—We have made that clear in the written statement, because of the illiteracy and the religious superstition, and all that. We would suffer most. Our womenfolk would not be prepared to go to the polling-booth. We are talking of the present; having seen the past. We do not know what will happen in future.

162. *Lord Strathcona*: When you ask for 40 per cent. of the posts in the Services, do you mean the higher posts, or 40 per cent. of all the posts in the Services?—Here we have put down all the posts that are given by the provincial Government, and we have given the reason that up till now our representation in the public administration has been absolutely inadequate; and for some time to come, to ameliorate the conditions and to give us better encouragement, we want our proper share of the administration.

163. Do you think enough members of your community are qualified educationally for those posts?—Yes.

164. You can produce your 40 per cent. if you can get the jobs?—Yes.

165. *Major Atlee*: You say you are opposed to women's suffrage, but you want to get rid of your disabilities. Are not you going to leave one great class, the women, labouring under the disability of no representation?—The women to-day have to depend on the incomes of their husbands and fathers and brothers. That will have to come at some later time.

166. They are economically Depressed as well?—They are Depressed in their family relations as well.

*The Chairman*: They are the Depressed sex!

167. *Maharaja Shashi Kanta*: Are not your Depressed Classes untouchable amongst yourselves?—We have not known of any.

168. Would a benefit to one class be considered a benefit to all the classes?—That is what we feel; and that is the decision we have come to.

169. *Mr. Cadogan*: Would you mind repeating that answer? I did not catch it?—I believe the Maharaja's question is whether a benefit to one of the communities would benefit the rest. I said that is so, so far as the Depressed Classes are concerned.

170. *The Chairman*: I have not followed the point before, which was an interesting question. The Maharaja, I think, was asking whether, if you take this long list of castes, if you add up the eleven-and-a-half millions, there are some of them who in the social scale would regard themselves as superior, and others in a lower scale—as Depressed as compared with them?—So far as this list of the people whom we have the honour to represent is concerned, they

21 January, 1929.]

BENGAL DEPRESSED CLASSES ASSOCIATION  
AND THE ALL-BENGAL NAMASUDRA ASSOCIATION.

[Continued.]

have not got any idea like that. I do not know if it has been brought to the notice of this Commission that after these three high castes there are these nine classes. They might think in any way they like; and they are not put down in the Depressed Classes.

171. I do not know about Bengal, but I have some information about Madras, that in Madras there are Depressed castes that will not take water from another and inferior Depressed caste?—I have no idea of Madras.

*Rao Bahadur Rajah* : That is not the case now.

172. *The Chairman* : Then there is an improvement?—Yes.

173. *Lord Burnham* : Since when? When did the improvement come about?—Since the last ten years or so. It is because our Associations are working for these things.

174. *The Chairman* : You think there is a solidarity, is there, growing up amongst the different Depressed Classes?

*Rao Bahadur Rajah* : Yes.

175. *Maulvi Abul Kasem* : You say that you feel various difficulties in your daily life, and that your representation in the public services, by which I understand in the actual administration of the country, is very small?—Yes.

176. May I ask you if it is a fact or otherwise that for want of proper representation in the administration of the country you have suffered not only socially, but politically and economically?—That is so.

177. And you are not allowed to advance because your representation in the machinery of administration is very meagre?—That is a fact.

178. From the replies you gave to the Maharaja, I understand that you are an entirely separate and definite community from the caste Hindus?—Certainly.

179. And you want, therefore, to protect your rights by a separate electorate and a separate quota of representation in the legislature?—That is so.

180. And also in the machinery of administration of the Government?—Yes.

181. The education of your community, education in Bengal, is controlled by three different agencies—by the Government, by municipalities and by district boards?—Yes.

182. Can you tell us how far you have benefited from all of these bodies in the question of your education?—Well, so far as the last two are concerned, Municipalities and District Boards, we have received very little benefit from there, but from the Government recently we have got some little help in the shape of the grant of hostels, and so on, and I believe it was in Lord Ronaldshay's time.

183. In the City of Calcutta, in the Medical College Hospital, at a special part of the hospital which was built by a member of the Depressed Classes, your members of that community were not admitted?—That is what we learnt some time ago.

184. But one of the hospitals built by a member of the Depressed Classes at his cost—the members of that community were not admitted to it?—That is exactly what we heard.

185. *Mr. Hartshorn* : They are admitted now?

*Maulvi Abul Kasem* : Admitted because the donor of the building was a member of the Depressed Classes himself?—That is what happened in the case of the Hindu School as well.

190. *Sir Abdelkerim Ghuznavi* : What is your idea about the transfer of Law and Order to a popular Minister?—We have said in our Memorandum, as a result of our deliberations, that that should at present rest with the Governor and be a reserved and not a transferred subject.

191. You want a separate electorate and separate representation, but I do not think you have told us how many seats you ask for?—In proportion to our population.

192. *Sir Hari Singh Gour* : You say you would like the transfer of every subject except Law and Order?—Yes.

193. But in the penultimate paragraph on page 96 of your Memorandum you say you "prefer 'British Rule to Home Rule for India' "?—Yes, that is what we have stated.

194. Is that your considered point of view?—Yes, that was put down as a result of the deliberations of our Association.

195. *Rao Bahadur Rajah* : Please read the next sentence also: it explains the whole thing.

*Sir Hari Singh Gour* : No, it does not. I want to ask you, Mr. Mullick, what is your view as to the political advancement of India? To what extent is your community prepared to advocate a political advance in the constitutional development of this country?—I am afraid I am not in a position to give a straight answer to that question, as that matter has not been considered by our Association.

196. So far as the political advancement of this country is concerned, I take it your Association makes no statement?—That is so.

197. And this remark to which you have committed yourselves, that you prefer British rule to Home Rule for India, is only a reference to the Swadeshi movement, the Swarajist movement and the recent "independence" stunt?—It also refers to the sufferings we have experienced as a result of all this.

198. It is an expression of the great disappointment you have felt at the sufferings your community has undergone?—Yes.

*Sir Hari Singh Gour* : And beyond that it has no significance?

*The Chairman* : I read it like this, and I think you will probably agree with me, Sir Hari Singh. I think these gentlemen have come here to call the attention of the Conference to the seriousness of their social disabilities, and their deputation serves a very useful purpose in calling attention to that. I think they have said very frankly that as for the rest of it they are thinking of the representation of their own classes. I do not think they are offering any sort of view as to the future of India; I doubt if they have thought that out.

\* \* \* \* \*

201. *Raja Nauab Ali Khan* : Is not it a fact there are half a dozen Depressed Class men who are members of the Provincial Council here in Bengal?—No, we have one nominated and two elected only, and those two came in with the other people.

202. *Rao Bahadur Rajah* : Are not these two helping you?—No, not in the least.

203. Why?—Because they came in with the caste Hindus.

204. You mean because they came into the Council with the support of the caste Hindus?—Yes.

\* \* \* \* \*

222. *Sardar Shivdev Singh Uberoi* : I should like to know whether there are some signs of improvement in the relations between your classes and the Hindu classes in the last ten years, since the removal of untouchability has been one of the foremost items of the leaders?—We have painful evidence to the contrary.

223. So you think there has been no improvement?—No, except in the passing of resolutions.

224. *Sir Zulfiqar Ali Khan* : Do the Christians and the Moslems treat you as untouchables?—We have no instance of that.

225. Do you really consider yourselves, therefore, outside the pale of society?—For all practical purposes.

226. Do not you follow the Hindu rite?—We have to. We are called Hindus for want of a better name.

\* \* \* \* \*



## Memorandum, submitted by the General Committee of the Darjeeling Planters' Association in connection with the case of the Tea Industry in Darjeeling.

*Introduction* The Tea Industry in Darjeeling may be regarded as having been established as a commercial enterprise in the year 1856. In that year the Alubari Tea Garden was opened by the Kurseong and Darjeeling Tea Co., and another was started on the Lebong spur by the Darjeeling Land Mortgage Bank, these gardens being followed, in 1859, by the Dhutaria Garden. Between 1860 and 1864, four gardens situated at Ging, Ambutia, Takdah and Phubsering were established by the Darjeeling Tea Co., in addition to the gardens at Tukvar and Badamtam opened by the Lebong Tea Co. By the end of 1866, that is to say, ten years after the establishment of the industry on a commercial basis, there were no less than 30 gardens with 10,000 acres under tea cultivation and an outturn of approximately 433,000 lbs. of tea.

The latest available official statistics, being those for the calendar year 1927, show the number of tea plantations in the Darjeeling District at the end of that year as 168 with 60,110 acres under tea out of a total area of 157,016 acres in the occupation of tea concerns. The official returns give the *daily average* number of employees as 60,504 souls. The capital employed in the Darjeeling Tea Industry is estimated at approximately Rs. 15 crores, and the production of tea in 1927 was 20,789,169 lbs.

*The Darjeeling Planters' Association.* The objects of this Association are:—To watch and protect the general interests of the Tea Industry in the Darjeeling District. To focus the considered opinions of its members on matters affecting the welfare of the Industry and the interests of the Planting Community. To represent effectively such opinions and interests to Government and to other authorities and public bodies and especially to the Indian Tea Association (Calcutta). To foster unanimity and co-operation among the Planting Community. To take such legal action as may be called for in the interests of the Association, and to raise the funds necessary to carry out these objects.

For administrative purposes the Darjeeling District is divided by the Association into 8 sub-districts, namely:—

- (1) Darjeeling West,
- (2) Darjeeling East,
- (3) Teesta Valley,
- (4) Rungbhong Valley,
- (5) Sonada,
- (6) Tingling,
- (7) Kurseong, and
- (8) Mahanadi.

Each centre elects a local Committee annually from its number, and each of these local Committees is entitled to one representative on the Governing body of the Association. This Governing body consists of the following twelve members, *i.e.*, a President and a Vice-President to be elected at each annual general meeting; the eight local Committee representatives, excluding the Chairman and Vice-Chairman; and two additional members, other than the Chairman and Vice-Chairman and the eight elected members, to be elected at the annual general meeting. This Governing body conducts the affairs and controls the funds of the Association, and their duties are performed in an honorary capacity. The membership of the Association comprises 86 tea estates representing an area of 105,000 acres, with a labour force with dependants of approximately 104,000 souls, who are entirely of the Nepalese race and form a well-settled population residing on the gardens. About 9 per cent. of the area under tea cultivation is owned and controlled by Indians, the balance, namely 91 per cent., being controlled by Companies managed from Calcutta and London and proprietary concerns.

*Purpose of this Memorandum.* The purport of this Memorandum is to place before the Statutory

Commission certain facts, particularly concerning the Darjeeling District, which it is hoped the Statutory Commission will take into consideration in the course of the inquiry they are now undertaking into the working of the system of Government, the growth of education and the development of representative institutions in British India and matters connected therewith.

The first matter of paramount importance to this Association is the question as to whether or not the Darjeeling District should or should not remain, as at present, a declared "backward tract," which is excluded from the jurisdiction of the Reformed Provincial Council and administered by the Head of the Province. This matter has been fully considered by the Governing body of this Association in close consultation with the local Committees and the members they represent, and it is the unanimous opinion that the Darjeeling District should remain, as it is now, under the direct administration of the Governor of Bengal.

The factors which influenced Government, in 1919, to exclude the Darjeeling District from the operation of the Reforms Scheme are as strong to-day as they were then. Geographically, racially, and historically the Darjeeling District is distinct from the remainder of Bengal, being mainly a hill district in which the conditions of climate, agriculture, communications, and other considerations differ widely from those obtaining in the plains of Bengal. The district is populated almost entirely by Nepalese immigrants or the descendants of immigrants from the State of Nepal within the last sixty years, and these people are primitive and have little in common with the residents of Bengal. The Gurkhas of Nepal won the Darjeeling District from the Sikkim State by conquest between 1780 and 1814, but the district was restored to the Sikkim Raja in 1817, after the British war against the Gurkhas, and it has all along been separately administered. The district was acquired by the British Government in 1835 direct from the Raja of Sikkim, mainly with the object of making the district a sanatorium for British troops and residents. The district has developed during the past eighty years from an almost uninhabited frontier tract to its present prosperity entirely by British enterprise and administration.

The Darjeeling District has not, up to now, had any direct experience of the representative system in connection with the elected Provincial Council of Bengal. Its Local and District Boards were only established in 1920 and are entirely nominated, not elected. There is no evidence of any popular demand for representative Government, probably by reason of the fact that such Government would not be in keeping with the traditions and customs of the Nepalese. The mixed population of the towns may be induced to express a desire for more representative institutions, but such a desire could only reflect the view of a very small number of potential political representatives.

If, however, it is considered that the elective system should be introduced into the Darjeeling District, this Association would submit that a commencement should be made in the first instance with the Local and District Boards, on which the tea planting community with its large interests should be adequately represented. Such boards may be regarded as the training grounds for responsible government, and the true test of the advance made towards responsible government would be reflected in their successful working or otherwise.

Any representation which the Darjeeling District could reasonably expect on the Bengal Legislative Council would be so small in comparison with the masses of Bengal as to be quite ineffective in safeguarding the peculiar interests of the Darjeeling District. Moreover, social conditions and the requirements of the district as regards education,

sanitation, health, water supply and other amenities of civilised life are widely different to those obtaining in the plains of Bengal. The administration of such subjects by the Bengal Legislative Council will, it is feared, owing to the peculiarities of the district, be less effective than it is at present, and it is for this and the other reasons set out in this Memorandum that the Darjeeling Planters' Association considers it essential that the existing form of administration should be continued for the Darjeeling District.

However, in the event of it being decided that the Darjeeling District must be included with the remainder of Bengal under the Reformed Administration, then this Association would most strongly press for adequate representation to be accorded to the

tea planting and other interests in the district, regard being had to its dissimilarity from the other districts of Bengal.

Finally, this Association would urge that the members of the Statutory Commission should, before arriving at any decision, make a point of visiting the Darjeeling District in order to familiarise themselves with local conditions obtaining there. The Association will be pleased to afford every facility for such a visit and will submit oral evidence before the Commission in substantiation of their contention that the administration of the Darjeeling District should remain, as it is at present, under the direct control of the Governor of Bengal.

## Deputation from the Darjeeling Planters' Association.

The deputation consisted of :—

Lieut.-Colonel J. O. LITTLE (President).  
Mr. F. PAGE WERNICKE (Vice-President).  
Mr. G. WRANGHAM-HARDY (Secretary).

229. *Mr. Cadogan* : I want to put one or two questions about that part of the document you have submitted to the Commission, which is headed "Purport of this Memorandum," on page 104. The Conference has already had some evidence on this question a day or two ago, and it was evidence which would seem, as far as I can see, to conflict with what you submit in your Memorandum, so I wanted to ask one or two questions so as to get clear exactly what your proposal is. It is briefly this, I think. You contend that the backward tracts of the Darjeeling district should continue to be kept away from the operation of the Reforms scheme. That is briefly what you suggest?—(*Colonel Little*) Yes.

230. The evidence which we had a day or two ago was to the effect that the backward tracts of Darjeeling district were not on all fours with the Chittagong district, or with the backward tracts in other provinces, Bihar and Orissa and Assam. I think they are chiefly Nepalese immigrants in Darjeeling, and of the Hindu religion, and of cultural affinity with the plainsmen?—Yes, they profess a form of Hinduism. It is rather mixed with Buddhism in most cases.

231. In any case, the point was that they were considerably more developed and in a condition in which they might now be included within the scope of the Reforms. That was the evidence submitted to us. I notice that you say on page 104 : "There is 'no evidence of any popular government.' I am sure

that it is not always easy to estimate what is a popular demand for anything, but a Memorandum has been submitted to us by the Hillmen's Association in Darjeeling, in which they do voice this demand, or they place this demand before us. I do not know if you have seen it?—No, I have not seen the Hillmen's Association's document.

232. *Mr. Cadogan* : What is the Hillmen's Association? Is it an Association of any substance?

*The Chairman* : It consists of 500 members.

233. *Mr. Cadogan* : I think it is recognised by the Government?

*Sir Hari Singh Gour* : Yes.

234. *Mr. Cadogan* : It puts forward a demand to be brought within the Reforms.—Yes.

235. That conflicts with your statement, does it not? You continue to say : "If, however, it is 'considered that the elective system should be 'introduced into the Darjeeling district, this 'Association would submit that a commencement 'should be made in the first instance with the Local 'and District Boards.' But in the Hillmen's Association's Memorandum, one of their complaints is this. The Association submits that the hill people represent 80 per cent. of the population, and are sufficiently advanced, and are taking part in Municipal and District Board administration?—They are taking part, but they are entirely nominated to those Boards. There is no such thing as an elective system at present in the district, except in the Municipality of Darjeeling and that of Kurseong.

236. But your contention really is that they should remain as they are, at any rate at present, as backward tracts?—I do not quite agree with the term "backward tracts." They are probably, as you said, not on a footing with other tracts which are rightly called backward tracts, because they are inhabited by people who are much more primitive; but our point is that the inhabitants of the Darjeeling hill district are of an entirely separate race and customs and climate and country from the rest of Bengal, and that it will be no advantage to the people of those tracts to be included in the Province of Bengal, of which they have never formed a part.

*Mr. Cadogan* : I have no other question to ask.

237. *The Chairman* : I should like to follow it a little. I gather that this Darjeeling Planters' Association are here urging what they conceive to be the interests of these hillmen?—Yes. We consider it more in the interests of the hillmen to remain excluded than to be included in the Reforms.

238. But the change, if it were made, would have the effect, would it not, of including some tea gardens which are now excluded?—Yes.

239. And your Association is quite properly formed to promote the interests of the tea gardens?—Yes.

240. I am not quite clear whether I am to understand that what you put before us is put before us solely from considering the ethnological peculiarities of the hill tracts, or whether it has anything to do with what you conceive to be the interests of the tea gardens?—I do not know that it would make very much difference to the tea industry in the Darjeeling district, whether it is included or excluded.

241. Do not think for a moment that I am hostile to the proposal; I have not considered it; but one naturally supposes that the Darjeeling Planters' Association, though I am sure they take a proper interest in these racial questions, are primarily concerned as a community of business men in considering what is in the interests of the business they represent?—Yes, that is so.

242. But you have not said anything about that. Why is it in the interests of the tea gardens of the Darjeeling district to be excluded from the Reforms?—Because we think that the inclusion of the district in the Reforms would bring with it elections, and an upset of the labour.

*Mr. Travers* : The point, if I may intervene, is that the tea planters, who live for many years amongst their labourers, are anxious to do the best for those labourers. They naturally get fond of them after living among them for years and years, and the Darjeeling Planters' Association wishes to do its best for the people among whom they live.

*The Chairman* : I am sure it is so. At the same time, I rather wanted to know whether the apprehended change was really limited to the hillmen. Surely it has its effect on the tea gardens.

*Mr. Travers* : May I ask a question or two about the hillmen?

*The Chairman* : Yes.

243. *Mr. Travers* : The fact is that your Association itself has no axe to grind in this matter at all. It does not matter to the tea gardens whether you are within the province or outside?—No, not particularly, I think.

244. All you want to do is to do the best for the people of the district?—Yes.

245. *The Chairman* : I am quite willing to believe that; but why does it not make any difference? Does it make no difference whether the Bengal legislature makes the laws which affect the tea gardens?

*Mr. Travers* : I directly represent them outside, and I can put up anything for them, whether they are within or not, but at the same time, if the district should be included, the Darjeeling planters want to have a representative of their own. The reasons for that, Colonel Little, I take it, are that your labourers in Darjeeling are of a different race from those in the plains, and you have different labour methods?—Yes.

246. And, therefore, if the district is included, you think you should have your own representative?—Yes.

247. *Mr. Cadogan* said a word or two about the Hillmen's Association. I do not wish to crab any organisation, but do you consider that the Hillmen's Association really represents the people of the Darjeeling district?—I should say not.

248. Has it any branches outside Darjeeling?—I believe that they propose to form branches at Kurseong and Kalimpong.

249. But they have not done so at present?—I do not think so, at present.

250. Do they have frequent meetings, or anything of that sort?—Well, we never hear of any meetings,

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DARJEELING PLANTERS' ASSOCIATION.

[Continued.]

and in a newspaper report of May last it is stated that after a lapse of many years the local Hillmen's Association held their annual general meeting.

251. When this came up before the Conference, the other day, this question of inclusion or exclusion, the Chief Secretary said that Government officers now considered it as advisable. Have you heard of Government officers having made any inquiries outside Darjeeling amongst the people who live in the tea gardens in reference to that subject?—Not to my knowledge. An inquiry was addressed to the Local Planters' Association, which I represent, and also to the branch of the European Association, and, I believe, to the Hillmen's Association, but I have heard of no other inquiries.

252. *Mr. Hartshorn*: Are there any other Associations of whom inquiries should be made? They are the three Associations you mentioned yourself?—There is a Moslem Association in Darjeeling. There is a very small Moslem community there. They, possibly, may have had an inquiry; I do not know.

253. *Mr. Travers*: Is it not also a fact that more than one Deputy Commissioner of considerable experience in Darjeeling—recent experience—has said to you that he thinks it would be advisable to exclude the district from the province?—That is so.

254. *The Chairman*: It certainly would be a very curious result. When we were in Assam, we were on the whole urged to exclude some areas that are at present included; while it appears to be the other way round here. What do your colleagues of the Provincial Committee feel about it, Sir Abdelkerim?

*Sir Abdelkerim Ghuznavi*: We feel that they are the best people to judge. I do not think that we have any particular views. If they claim to speak on behalf of the hillmen there, I think they ought to know more about it than anyone else. There is a small section which has been influenced, I suppose, by things that happen down below in the plains, and they may have put forward a claim of that kind; but as regards the people there, I live in Darjeeling pretty often, but I have not heard of any very great demand to be included within the Reforms.

255. *Lord Burnham*: I find that the Hillmen's Association consists of members of various sections of the population inhabiting the area who have come from different places. They do not even meet each other often, and I wonder how they transact business of this Association?—I do not know, sir. I have never been present at their meetings. The Darjeeling Planters' Association, however, cultivates good relations with the Hillmen's Association as far as possible. We have invariably invited representatives of their Association to attend our annual general meetings, which are held in March every year, and they have on one or two occasions attended, but not of late years.

256. What I am wondering at is how these hillmen, whom Bengal claim from these various places, come together in order to formulate their views in the matter of claiming further reforms and an increased status for them?—That demand, sir, comes from a section of hillmen drawn largely from the towns of Darjeeling, Kurseong and Kalimpong.

257. *The Chairman*: I suppose that the labour of the tea gardens in your district consists of immigrant labour; or is it all local labour?—It is entirely Nepalese labour sir, but most of it is well-settled on the estates; that is to say, a large portion of it was born on the estates, but they are all originally immigrants from Nepal.

258. I see; then you establish colonies for them, and they stay on in the estates; and now even their second generation works in the gardens. But is the labour free to go out whenever they want?—Yes; the labour is entirely free; they can come and go as they like.

259. It is really a very healthy organisation. I wonder how far the people of this Hillmen's Associa-

tion would like to associate with them the employees in your tea gardens?—I have made enquiries recently, and I can hear of no employees on tea gardens who are members of the Hillmen's Association.

*Mr. Travers*: We consider as part of our job, sir, not only to represent our own interest, but also represent the interest of these people.

260. *The Chairman*: Would you mind telling me this? In your view are there signs of an increase in political interests or self-consciousness among the hillmen?—I should say that there are no signs among the general body; but there may be signs of it in the towns.

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267. *Sir Arthur Froom*: On page 104 of your Memorandum you say: "Social conditions and the requirements of the district as regards education, sanitation, health, water supply and other amenities of civilised life are widely different to those obtaining in the plains of Bengal. The administration of such subjects by the Bengal Legislative Council will, it is feared, owing to the peculiarities of the district be less effective than it is at present." Where does the money come from for education, sanitation, water supply and so on? Is it not from the Government of Bengal?—I suppose from the general revenues of the province of Bengal.

268. Is that voted by the Council?

*Mr. Travers*: No; it is reserved; it is not voted; that is one of our points, sir, that the people have peculiar wants and those wants will be more thoroughly attended to by Government than by the Legislative Council; and in a province like this a lot of things have to be done for the people of the country.

269. Then your fear is that Darjeeling would be left out in the matter of progress of education, sanitation and so on?—We think that the measures suitable to the remainder of Bengal would be unsuitable to the Darjeeling District, and the administration would be less sympathetic towards the people if it were administered by a minister.

270. You contend that in the Darjeeling District matters in regard to education, sanitation, water supply, and so on are in advance of many other parts of Bengal?—Certainly they are in advance on all tea estates, and possibly they are not behind the rest of the country, in any case.

271. In fact, you feel satisfied with the progress made in the matter of sanitation of the estates?—On the estates, yes.

272. And you do not want any action to be taken which would endanger the present satisfactory state of affairs there. Is that so?—Yes.

273. *Sir Hari Singh Gour*: Assuming that the measures suitable to the plains of Bengal are unsuitable to Darjeeling, why should you think that the minister in charge of education, sanitation, and so on would not adapt himself to the special requirements of the hill tribes?—Compared with the remainder of Bengal, Darjeeling is a very small district, and I fear that any Bengal minister will have his hands so full with Bengal affairs that he will have little time to spare to the special needs of Darjeeling.

274. But supposing steps were taken to ensure that he pays special attention to the backward hill tribes of Darjeeling, that objection will disappear?—Yes.

275. *The Chairman*: Thank you very much. It is an interesting and curious point, and one attaches more importance to the views of the Darjeeling Planters' Association, because, as I understand it, it does not really make any difference between its own interests and the special interests of these hillmen, and that you are saying this because you think that it is in the best interests of the tribesmen themselves?—That is so, sir.

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## Memorandum submitted by the Associated Chambers of Commerce of India and Ceylon.

*Introduction.* The body known as the Associated Chambers of Commerce of India and Ceylon is a company incorporated in 1920 for the following purposes among others :—

1. To promote and protect the trade, commerce, industries and manufactures of India and Ceylon.
2. To take up, consider and discuss questions connected with or affecting such trade, commerce, industries and manufactures ;
3. To promote or oppose legislative or other measures affecting such trade, commerce and manufactures.
4. To collect and circulate statistics and other information relating to such trade, commerce and manufactures.

The Association is composed of seventeen member Chambers, most of them predominately European, but including Indian members as well. These representations to the Statutory Commission are, however, made by a smaller number of Chambers, for the Ceylon Chamber of Commerce is not concerned, and the Burma and Punjab Chambers are making separate representations.

The Chambers which associate themselves with this Memorandum are, in alphabetical order, the Bengal, Bombay, Calicut, Chittagong, Cocanada, Cochin, Coimbatore, Karachi, Madras, Narayanganj, Northern India, Tellicherry, Tuticorin and Upper India Chambers.

A study of the membership of the various Chambers which constitute the Associated Chambers of Commerce, will show that they are able to speak on behalf of almost the whole of British commercial and industrial interests established in India, and also on behalf of large Indian interests. It is, indeed, almost impossible to draw any line of demarcation between British and Indian interests in regard to invested capital, for companies floated and managed by British managing agents are frequently owned to a very large extent by Indians. Similarly, in many companies generally regarded as Indian, a considerable number of the shareholders may be British. While, therefore, it is not possible to produce any exact figures to show the magnitude of the interests represented by the Associated Chambers, it may be said that if the estimate that £1,000,000,000 of British capital has been invested in India is correct, the Associated Chambers represent by far the greater part of that, as well as a very large amount of capital raised in India and entrusted to the care of British managing agents. The interests of the members of the individual Chambers include tea, jute, cotton, mining, timber, leather, shipping, railways, agriculture, engineering, insurance, banking and in general all forms of export and import trade.

The Associated Chambers of Commerce accept the Declaration of August the 20th, 1917, as being a pledge binding on the British Government, the Government of India, and the British people as a whole, and they are themselves sympathetic to Indian aspirations. They realise that in some provinces poor response has been made to the opportunities for self-government given by the Government of India Act, 1919, but the Chambers are prepared to take the initiative in recommending a policy which will, they hope, go far to meet Indian aspirations. They think it important that lack of co-operation on the one hand should not result in a narrowness of outlook on the other. They believe that irresponsibility can largely be overcome by giving responsibility, and they are prepared to agree to Indians being afforded an opportunity of exercising genuine control in the government of the provinces if adequate safeguards are provided. The Chambers therefore recommend the grant to provinces of constitutions varying up to full responsible autonomy provided :—

- (a) That the position of the Government of India *vis-à-vis* the Assembly is strengthened.
- (b) That the Central Government is given powers of intervention in the event of a breakdown of Government in any Province.
- (c) That Provincial Second Chambers are set up.
- (d) That adequate safeguards are provided for the administration of the Police.
- (e) That a clause is inserted in the new Government of India Act, forbidding discrimination against industrial and commercial interests in Central and Provincial legislation and taxation, and in Municipal bye-laws and taxes.

*Provincial Governments.* While recognising that dyarchy is an ingenious temporary expedient for training Indians in the task of self-government, the Chambers of Commerce believe that it has now exhausted its possibilities and, whether rightly or not, is so universally unpopular in India that it is desirable to abolish it as far as may be possible when introducing a new constitution.

Owing to the consistent efforts of a large party in India to make dyarchy unworkable, the Governor in Council in nearly every province has been to some extent compelled to adopt a policy of assisting the Ministers for the moment in office against all efforts of the other elected members of the Legislative Council to eject them. This is most clearly shown by the fact that, contrary to the intention of the framers of dyarchy, the official *bloc* has been consistently used to support ministers. It has, therefore, resulted that ministers in no province have been wholly responsible to the elected members of the legislature and consequently they have been regarded by many Indians as to some extent a subsidiary branch of the bureaucratic Government. This has involved both halves of the diarchic Government in opprobrium which each half individually might not have incurred.

The Chambers of Commerce, while fully alive to the risk involved, are prepared to recommend the abolition of the Provincial Executive Council, and the transfer to a Ministry responsible to the provincial legislature of all subjects (or in the view of some Chambers, all subjects except Law and Order) now administered by either half of the Government. Official nominated members should be withdrawn and should return to their intended rôle of administrative officers. The Ministry will be wholly responsible for carrying on the Government, and will neither incur the control nor receive the support of an Executive Council nominated from outside.

It will be necessary that the Secretaries of the Departments who will constitute the permanent staff, and on whom Ministers will have to rely to a very great extent, should be senior men in their respective services and be adequately paid.

The word "adequately" may be emphasised, because the abolition of the higher paid posts of Executive Councillors will seriously diminish the prospects of members of the Civil Service, while the responsibility on the senior men, as the permanent staff in each department, will be a heavy one. It is common knowledge that in England Ministers of all parties place very full reliance on the permanent staff and never fail to obtain their fullest assistance, even guidance, no matter what political party is in power.

The Governor should continue to preside over the Ministry and, after such consultation as he considers expedient, would appoint his ministers from amongst those members of the Council who might be expected to control a majority. If and when the Ministry loses the confidence of the legislature and is defeated, the Ministry will resign and the Governor will form a new Ministry, presumably resting on the support

of a somewhat different coalition of groups. It is obviously desirable that some convention as to joint responsibility should grow up, but the Chambers do not believe that this can be laid down as a rule, nor do they think that, in a country where political divisions are likely to take the form of a large number of small groups rather than of two or three large political parties, it is ever likely to be so strict as it is in Great Britain.

*Law and Order.—Judicial Administration.* The Associated Chambers attach the utmost importance to the independence and impartiality of all courts exercising civil jurisdiction. Owing to its work of hearing appeals from subordinate courts throughout a Province, the Judges of a High Court are able to form a fairly reliable judgment of the qualities and capabilities of junior judicial officers, and the Local Government in the past has consulted the High Court before making appointments of District and Subordinate judges. The High Court is expected to supervise and inspect subordinate courts, but this is an onerous task which, with other judicial administrative work, has engaged much of the time of the Chief Justice and other judges, and without sacrificing the work of the High Court itself it is usually impossible to carry out as much inspection as is desirable. Some means should be provided to enable that inspection to be carried out at regular intervals.

It would appear that the posting and transfers of District and Subordinate judges should be supervised by the High Court if political and communal influence is to be excluded.

The present arrangement by which the Calcutta High Court is under the administrative authority of the Government of India, but the local Government provides the finance, is clearly unsatisfactory and a scheme should be devised for making the Central Government responsible for supplying the finance required. The Chambers consider that all the High Courts should be under the Government of India, both for administration and finance. They also regard it as essential that the Secretary of State should continue to be responsible for new permanent appointments of Judges to the High Courts under Letters Patent of the King.

*Police Administration.* The Chambers have given the most anxious consideration to the question of the control of the Police and the maintenance of Law and Order. Upon the good administration of this department depend the stability of the country and the security of life and property. Some Chambers, therefore, are averse from any transfer of this subject, but a majority believe that the risk must be taken if any real self-government is to be given to the provinces. The different views are dealt with in the following paragraphs.

The majority of Chambers hold the opinion that the expedient of centralising the Police would prove administratively most difficult, if not impossible, as the Central Government could not exercise any useful control over Police scattered throughout the length and breadth of India. Even if it were possible, the withdrawal of control from the provincial authorities would result in increased suspicion and dislike of the Police, who would appear as the myrmidons of a remote and uncontrolled alien bureaucracy, and there could be no chance of this popular resentment being modified so long as responsibility for maintaining law and order did not lie on the provincial ministers and council. The surest way to make those responsible for governing realise the need for an effective and active police force is to make them responsible for the maintenance of order, so that their countrymen will hold them to blame if they fail to secure that safety of person and property to which the citizen is entitled. So long as the maintenance of Law and Order is in any form reserved, criticism will be more directed against the methods adopted by the bureaucracy and police to preserve the peace than against those sections of the populace which are disturbing it.

These Chambers have also considered as an alternative that the Police should be under the Governor, with a senior official, such as a controller of services or chief secretary, to advise him and to issue all executive orders; but the objections given above apply equally to a proposal to reserve the maintenance of order to an extra-parliamentary authority within the province, and the position of the Governor in being made to assume duties of so controversial a nature would quickly become impossible.

They take the view that the problem is largely one of principle, that the elementary and primary duty of any Government is the maintenance of law and order, and that if Provincial Governments are not to be trusted with that responsibility, the only logical attitude is to say that the time has not yet come for any further advance towards provincial autonomy.

But they do recognise that special safeguards will be required to prevent wrongful and unfair treatment of Magistrates and Police Officers, even down to the subordinate ranks, for having discharged their duty in circumstances of difficulty. They find it difficult to make adequate proposals on this point, but they do not consider it incompatible with the idea of giving full provincial control over the administration of the Police force to provide some special safeguards resting with the Governor and Governor-General in Council to protect officers from persecution or unfair punishment, particularly when they are subject to heated and vexatious attacks at times when feeling runs high and becomes irresponsible and unreasonable owing to communal or civil outbreaks of disorder.

Subject to such safeguards this majority, therefore, would favour the administration of the Police force of a province by the province, but would leave the Criminal Investigation Department, as at present, with the Central Government.

Some Chambers consider that Law and Order should remain a provincial subject, but that the portfolio for this Department should be with the Governor, who, in administering it, should himself function as a Minister. For obvious reasons it is impossible that the Governor himself should appear in person to answer to the legislature on questions affecting Law and Order, and it is, therefore, further recommended by these Chambers that, in his capacity of Minister, the Governor should be represented in the Legislature by a senior official, acting as a Parliamentary Secretary. The Governor's powers of veto should extend to Law and Order as to other matters, but his powers of certification, which it is recommended should be severely circumscribed, should certainly apply to Law and Order. (See Upper India Chamber's separate Memorandum).\*

Yet other Chambers, which are opposed to transferring to the Provincial Councils the responsibility for the maintenance of Law and Order, recognise the logical argument in favour of so doing, but contend that the risk is too great and that there is no justification for exposing life and property to the danger that this would entail. These Chambers do not approve of even the modified proposal of placing the Police under the direct control of the Governor. As they wish to abolish dyarchy to the fullest extent possible whilst ensuring the efficiency and impartial administration of the Police, they recommend that the administration of the Police throughout India should be in the hands of the Central Government working through Commissioners in the provinces who would maintain a close liaison with the local Government.

It is a matter for consideration whether the special Armed Police Forces maintained in some Provinces such as the Malabar Special Police in Southern India, and the Frontier Rifles of Bengal, should be placed under the control of the Central Government or of the Army Department, but a decision on this point would necessarily depend on the decision on

the main problem and on the specific representation of the local Governments concerned.

*Provincial Legislatures.* The Chambers do not recommend any alteration in the legal powers or composition of the provincial legislatures except the withdrawal of all the nominated official members, subject to the possible retention of a Parliamentary Secretary representing the Governor. They are not prepared to express any opinion upon the franchise, but they would point out that the electorate is steadily growing in every province owing to the increase in the number of persons who satisfy the conditions required of voters. They would be opposed to any lowering of the qualifications, save perhaps to secure better representation of the rural electorate, as they believe that it will be a slow and laborious task to educate even the present electorate, which should not be swamped by an addition of large numbers of less educated and experienced persons.

Although the legal powers of the Councils would not be altered, their political powers would be immensely increased if the whole Government were made responsible to them, and the Ministers did not by merely accepting office obtain the consistent and almost unquestioning support of the officially nominated *bloc*. When the bureaucracy is no longer involved in trying to work the political machine, political feeling will, perhaps, not be roused against it to the same extent, and Indian politics may be expected to take on the character of natural rivalry between party groups. For the first time members of the Provincial Councils will realise that the responsibility for maintaining a Government in office to carry on the administration of the province will rest upon them, and the Chambers think an unreasonable attitude will quickly have its consequence on the prosperity and welfare of the people of the provinces, instead of merely resulting in the exercise by the Governor of his special powers. The grant of full responsibility to the legislature will enable the powers of certification of the Governor to be abolished. These have been inevitable so long as he had a special responsibility to discharge to the Secretary of State, and ultimately to Parliament. But when once the responsibility rests upon the Council, they will no longer be required. If, however, the proposal to retain control of Law and Order by the Governor is adopted, the power of certification of supply for this department will be necessary.

*Second Chambers.* It appears, however, necessary that if this very sweeping reform is to be carried out, a Second Chamber should be created. The Chambers do not feel called upon to make any detailed recommendation as to the exact powers or composition of this Second Chamber. They would, however, point out that many Indians whose judgment, experience and social position would make them valuable members of the legislature, will never solicit votes on the hustings for election to a popular House.

Such men would, however, be willing to serve in an Upper House if it were composed largely of nominated members holding office for five years or more, and eligible for re-nomination. Of these, about two-thirds might be elected by the Council of State electorate, and one-third nominated by the Governor. European representation should be provided for in both cases. This cannot be regarded in any sense as a reactionary proposal, for the members of the Senate in Canada and of some of the Provincial Upper Houses in Australia are nominated.

*Public Service Commission.* The Associated Chambers recommend that Ministers should be relieved of the invidious duty of resisting importunity by the provision of special machinery for the recruiting of provincial services.

They suggest that this end might perhaps be best attained by the creation of Provincial Public Service Commissions, or of Provincial Selection Boards on the lines suggested by para. 26 of the Lee Committee's Report. It might be found convenient

to have a full-time paid Chairman, with whom would be associated two members appointed *ad hoc* for making particular appointments. In any case the all-India Public Service Commission should have some power of supervision regarding methods of appointment, i.e. recruitment and the conduct of examinations.

The Chambers would be failing in their duty if they did not urge the need for safeguarding the prospects of Europeans at present in the Services.

The position of members of the covenanted services is, of course, different from that of members of the uncovenanted services, and their contractual rights in relation to the Secretary of State may be regarded as a sufficient safeguard. The Chambers are confident that no proposal to abrogate or circumscribe these rights would be even considered by Parliament; but they wish to draw attention to the vital importance to members of the Imperial Services that the security of their pensions should be guaranteed, and that they should be granted over a long period the option of retiring on proportionate pension, an option granted at the time of the introduction of the present reforms, and now shortly due to expire.

The maintenance, however, of ultimate rights of this kind, is no guarantee that the British member of the services will find the conditions of work such as to induce him to stay in India, and give his willing service; and it is generally recognised that the withdrawal of the bulk of the British element would jeopardise the success of any Indian constitution, and, in fact, the stability of the country.

The danger of discrimination against Europeans by Indian Ministers is very real, and, indeed, a case is mentioned in the report of the Reforms Enquiry Committee, 1924 (See para. 34 and Appendix 5).

Though the Chambers are most deeply impressed with the necessity of guarding against a quick withdrawal of the British element, they can find no concrete suggestion to make, but they feel they should emphasise the vital importance of retaining the Governor as the final authority in regard to all appointments and postings in the covenanted services.

The position of a member of the provincial or subordinate services would appear to be adequately safeguarded under the Rules regarding the Civil Services in India made by the Secretary of State in Council under section 90 B (2) of the Government of India Act on 21st June, 1924, in cases where action is definitely taken against him by the local Government, if Rule XIX be amended to give officers of a subordinate service a right of appeal to the Provincial Public Service Commission or Selection Board; but it is not clear that he can obtain redress where he is merely passed over. The Chambers are apprehensive that among these lower posts Indian Ministers may be disposed to press on Indianisation by passing over European and Anglo-Indian officials without formulating any charges against them.

The Associated Chambers desire to point out that they are not opposed to Indianisation provided that it does not involve a decline in efficiency or an injustice to Europeans and Anglo-Indians, who have entered a service with certain expectations which ought not to be defeated on grounds of race or colour.

*Intervention by the Governor-General.* While desirous of making recommendations of so liberal a character as to meet all legitimate Indian aspirations, the Chambers of Commerce do not conceal from themselves the possibility that the new constitution like the old one may be faced by deliberate opposition or obstruction on the part of some Indian group or party. They therefore consider that provision must be made to meet the danger of a breakdown of Government in any province. They consider that the Governor-General in Council should be given powers in case of necessity to intervene, and in fact to suspend the constitution, so that the Governor may carry on the administration in such way and under such conditions, and for such time as may be

laid down by the Governor-General in Council with the assent of the British Government. Further, it should be laid down that a declaration by the Governor-General in Council of a breakdown of Government in any province should be conclusive, and not open to reference to any court.

*Relations between Central and Provincial Governments.* The Chambers desire to direct the attention of the Commission to the opinion expressed by the majority of the Reforms Enquiry Committee in para. 48, that "in the event of the transfer of all subjects, the existing Rule 49 of the Devolution Rules would leave an insufficient control in the Central Government"; and to another passage "Much clearer definition and a much closer examination of the relations between the Central and Local Governments would be an essential preliminary to any scheme of provincial autonomy in India."

The Federation of British India, if it comes into being, will start upon its career with an inestimable initial advantage in having developed from a powerful Central Government. This should enable it to avoid the dangers and troubles of excessive decentralisation which are almost universal in federations in their early stages owing to the weakness of the Central Government and the particularist feeling of the provinces. It would be disastrous if this advantage were sacrificed, and owing to excessive decentralisation, the Government of India, like the Commonwealth Government in Australia, were hampered in every way by the vested rights of the Provinces.

In particular, a very careful definition of the respective rights of the Central and Provincial Governments in matters of labour legislation or disputes will be necessary if conflict is to be avoided. The Chambers agree with the minority of the Reforms Enquiry Committee that, following the precedent of Canada, all authority not specifically conferred on the Provinces should remain vested in the Government of India.

The Chambers are of opinion that the present system, by which the Loan requirements of the Local Governments are made known in advance to the Government of India, which includes them in its own Loan programme and enables the Provinces to obtain money more cheaply than would be the case if they had to borrow on the security of their own revenues, has proved satisfactory. They believe that the present borrowing rules give all such powers as are necessary to the Local Governments, and these should, therefore, be in no way relaxed. They approve of the intention ultimately to entrust to a Central Board of Non-official Commissioners the raising of loans required for the Provinces.

*Terminal Taxes.* The Associated Chambers consider that, whatever constitution may be framed for India, and whatever degree of autonomy may be given to the Provinces, it is essential that British India should not cease to be a single economic unit enjoying internal free trade. Owing to what was probably an error of drafting, the Scheduled Taxes Rules made under the Government of India Act, 1919, gave to Provincial Governments an unrestricted right to levy and increase a terminal tax in any town where an octroi had been in force on the 6th July, 1917. The effect of these so-called terminal taxes in ports and other centres of transit trade has been to impose a burden on commerce which has made it difficult for the Central Government to foster the economic development of the country by a judicious adjustment of railway rates and customs duties. Municipalities favourably placed have been enabled virtually to increase the Imperial Customs Tariff or the railway freight, and to appropriate the proceeds for the benefit of the local inhabitants. The Taxation Enquiry Committee condemned this form of taxation, and Chambers will be able to deal with the question in detail if and when they appear before the Finance Committee.

The Associated Chambers venture, however, to

recommend to the Statutory Commission that the difficulty in its widest aspect should be met by a provision in the constitution similar to sections 9 and 10 of the Constitution of the United States of America which provide *inter alia* that "No tax or duty shall be laid on articles exported from any State" and "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

Any abolition of terminal taxes would, of necessity, have to be gradual to enable municipalities to substitute other sources of revenue.

*Major Ports.* By Rule 9 of Schedule I (Part I) of the Devolution Rules, "Ports declared to be major ports by rule made by the Governor-General in Council, or by or under legislation by the Indian Legislature" are a central subject. The Government of India at the present time exercises its control over all the major ports except Chittagong through the agency of the reserved side of the Local Governments. It is, indeed, the intention of the Government of India to undertake the direct administration of all the major ports, but it is understood that this may not be effected in all cases for a considerable time. The Associated Chambers desire that all the major ports shall be directly administered by the Central Government before all subjects in the provinces are transferred.

*The Central Government.* The Chambers of Commerce are only prepared to favour the grant of responsible Government in Provinces on condition that the position of the Government of India *vis-à-vis* the Legislative Assembly is strengthened. The Government of India is required to carry on the administration under difficulties which no other Government in the world (except on rare occasions that of the United States) is called upon to face. It has to work through an Assembly in which it is in a permanent minority. President Lowell observes "that an irremovable Governor and a popularly elected Assembly are a contrivance for causing friction and perpetuating it." For eight years the Government of India has been required to obtain the consent of the Assembly to measures it deemed desirable, and yet has had no opportunity of bringing home to the Assembly the consequences of the policies advocated by an irresponsible opposition.

The Montagu-Chelmsford Report emphasises repeatedly the ill-effects of giving powers of criticism without responsibility, and regards the spirit of carping criticism which marked the Minto-Morley Councils as due to this irresponsibility. It is, therefore, surprising that the authors of the Report, having so clearly perceived the defect in the work of their predecessors, should have repeated that very mistake in the Central Legislature they themselves set up. "Responsibility for the administration remains undivided, with the result that while the Governments found themselves far more exposed to questions and criticisms than hitherto, questions and criticisms were uninformed by a real sense of responsibility such as comes from the prospect of having to assume office in turn . . . the power remained with the Government and the Councils were left with no functions but criticism. . . . Parliamentary usages have been initiated and adopted . . . up to the point where they cause the maximum of friction. . . ."

This criticism of the Minto-Morley Councils, written in 1918, might as well have been written of the Montagu-Chelmsford Assembly in 1928. The alternatives, therefore, are either to go forward and make the Government of India responsible to the Assembly or to strengthen the Government's position sufficiently to enable it to carry all such measures as it considers to be highly desirable, but which could not rightly be certified as essential to the interests



of India. The proceedings of the Legislative Assembly show that it would be in the highest degree unwise to confer any greater powers upon that body at present. Agreeing with Lord Selborne in his speech in the House of Lords on the second reading of the Government of India Bill, on December 11th, 1919, the Associated Chambers of Commerce think that the moment when a great experiment is made in the Provinces is not the one to make any changes in the Government of India.

*Citations from Debate Reports illustrating lack of responsibility shown by the Assembly.*

The first Assembly, which sat from 1920 to 1923, was composed of comparatively moderate politicians, for, at that time the Congress Party were boycotting the legislatures. There is, therefore, the greater cause for concern that even that Assembly should, on two occasions, in 1922 and 1923, have failed to realise the vital need to balance India's budget, and to accept the enhancement of the Salt Tax recommended by the Government of India. The Chambers do not think it necessary to repeat the arguments of Sir Basil Blackett, Sir Malcolm Hailey, and Mr. Innes to show how little the enhancement of the tax would have injured the poorer classes and how much it would have assisted the Government of India. The communique issued on the 29th March, 1923, by the Viceroy Lord Reading is an unanswerable justification for his action in certifying the Finance Bill and by implication an unanswerable criticism of the Legislative Assembly's decision.

In 1927, an amendment to the Finance Bill to reduce the Salt Tax from Rs. 1-4-0 to As. 10 was carried by a majority of 50 to 48, despite the fact that Sir Basil Blackett made it quite clear that if revenue from the Salt Tax were sacrificed it would be impossible to effect the remission of Provincial Contributions intended. The Council of State restored the Salt Tax to Rs. 1-4-0. On March 28th, the Assembly concurred in the reversal of its own decision of six days earlier.

It might be deduced from this that the Assembly did not know its own mind. As a matter of fact, some members had voted for the reduction with no desire that the Salt Tax should actually be reduced at the cost of postponing the remission of provincial contributions. They thought themselves safe in casting a vote on the popular side, because they believed Government had a majority or, in the alternative, relied upon the Council of State to give them a *locus penitentiae*. That many members of the Assembly availed themselves of this by abstaining from voting on the second occasion, or by leaving Delhi before the division, will be apparent from the division lists, for, while the Government vote increased by four, the Opposition vote fell by nine.

The attitude of a large section of the Assembly was clearly expressed in this debate by Lala Lajpat Rai, a Responsivist, when speaking in favour of reducing the salt duty, he said: "It is no concern of mine to solve the difficulties which the Government may experience in making two ends meet in case this amendment be accepted by the House."

On the 11th March, 1927, Mr. T. Prakasam (member for E. and W. Godavari cum Kistna) moved a cut in the Budget Demand for the Postal and Telegraphic Department in order to demand higher pay for subordinate employees of that Department. In the Committee stage of the Finance Bill pressure was brought to bear on Government to reduce postal rates. Of the fourteen Indian elected members who spoke in favour of raising postal servants' wages, three spoke and ten voted in favour of reducing postal rates, regardless of the fact that both Government speakers and Sir Darcy Lindsay and Mr. H. G. Cocke (non-official European members) pointed out that the Department was hardly doing more than paying its way, and that, therefore, either an increase in expenses or reduction in receipts would result in the department being run at a loss. To suggest a

simultaneous increase of expenditure and decrease of receipts showed a complete failure to grasp the responsibility of a legislature entrusted even partially with the government of the country.

In all the discussions of the ill-fated Reserve Bank Bill it was apparent that many members of the Assembly realised that a Reserve Bank would in effect take over the control of India's monetary and exchange policy and thus would end the control of the India Office in this department. Such economic Swaraj was obviously greatly desired by all parties, but owing to an ill-advised attempt to subordinate the Bank to politics by providing that the Legislative Assembly should elect a proportion of the directors, the Bill was dropped by the Government of India. It is a matter for concern that politically-minded Indians should desire to carry politics and racialism into the board-room of the Bank which was to be entrusted with the control of India's currency, credit and exchange.

Again, on the Demands for Railway Grants, in 1927, the Assembly reduced the vote for the Railway Board by Rs. 942,000 to Rs. 100. On the Budget Demands the Assembly reduced the travelling allowance of the Executive Council by Rs. 50,000 to Re. 1 and the vote for the Army Department by Rs. 578,000 to Rs. 2,000. In the debates on the last Demand in particular, such wild statements and allegations were made that it is difficult to credit the sincerity of some of the speakers. The votes were naturally certified by the Viceroy on 29th March, 1927.

Even if not very many perverse decisions have been taken by the Assembly and persisted in, that is no evidence that the Indian elected members have taken a reasonable view of their responsibilities. It is a favourite argument with Indian politicians that in seeking to ascertain the opinion of the people of India, it is necessary to ignore the votes of the nominated officials and of many of the nominated non-officials. If this method be applied, it will be apparent that few Bills or votes for supplies would have been passed by the Assembly. As Lord Meston has observed, the fact that there have been so few actual conflicts between the Assembly and the Government of India has been due to tact and the exercise of much skill in management on the part of the Government.

The Chambers of Commerce recommend that the strength of the Government parties should be made approximately equal to what may be anticipated will be the strength of the anti-Government party. This will not enable Government to carry all measures regardless of public opinion and without a fair opportunity for dissentient opinions to be expressed, but it will give to the Government of India that minimum of legislative power which cannot be denied to any Government without grave consequences upon the administration of the country.

*Representation and the Franchise.* The declaration of August 20th, 1917, has wisely or unwisely committed Parliament to a policy of developing self-governing institutions with a view to the progressive realisation of responsible Government in India, but it is by no means clear that the typically Western machinery introduced in 1919 will ultimately prove the most satisfactory for India.

It is in the first place apparent that elsewhere the success of a representative system has depended upon the degree of intelligent interest that the voter has displayed in watching legislative bodies and his own representative in particular. No attempt has ever before been made to introduce representative Government into an Oriental country with a vast and illiterate population, and it is clearly a matter for greater surprise that it has worked at all than that it has not been a conspicuous success.

So far as the Legislative Assembly is concerned, the Chambers are of opinion that the present system of direct election should be abandoned because Indian elected members are not in any sense representatives of the people; they are plenipoten-

tiaries, except in so far as they choose to become delegates of some political, communal or commercial body.

The Montagu-Chelmsford Report defines responsibility as, "consisting primarily in amenability to constituents and, in the second place, in amenability to an Assembly." On the important and difficult matters which arise in the Assembly, the bulk of the electors have no knowledge nor views and no opportunity of controlling their nominal representative. A concrete instance of this may be cited.

In September, 1927, the constitution of the Reserve Bank, as proposed by the Government of India, underwent rapid and somewhat bewildering changes. When one morning the European Group found that the proposal had assumed the form of a Stockholders' Bank, they did not feel justified in coming to a final conclusion on its merits without first obtaining the views of their constituents. Two members of the Group accordingly waited on the Finance Member to ask whether he would delay the Bill until they had had time to ascertain whether their constituents (who had only had an opportunity of expressing their views on the original proposal of a Shareholders' Bank) approved or disapproved of the new scheme. The Finance Member very properly replied that as the Indian members had no wish to consult their constituents he was afraid he could not hold up the measure for the sake of the European Group alone. No blame attached to the Indian members who did not consult their constituents, for it would, indeed, have been disingenuous to ask for an opinion on the relative merits of a Shareholders', Stockholders', and State Bank from people who did not know what a Reserve Bank was. That the Chambers are not exaggerating the ignorance of the Indian electorates will be admitted by most Returning Officers. This ignorance was emphasised by local Governments in their evidence laid before the Muddiman Committee, and it may be illustrated by the fact that even a Bar Association forwarded to the Government of India through the local Government their considered opinion that an appreciation of the rupee would encourage exports and check imports.

It is unreasonable to expect the elector in the mofussil to understand discriminating protection, which is the fiscal policy to which he is assumed to have given his considered assent, nor is it possible for the elector in Assam or Madras to understand the North West Frontier problem. Primarily for this reason, but also in order to establish the principle of representation of the Provinces as units in the Central legislature, the Associated Chambers recommend that the majority of the elected members of the Assembly should be elected by colleagues composed of both Houses of the Provincial legislatures. The Upper India Chamber, while in agreement with the principle of indirect election, suggests that the electoral colleges should be on a wider basis, and their views on the matter are explained in the separate Memorandum which they have submitted.\*

The same considerations apply to a much less degree to the Provincial Councils, and the Chambers have given anxious consideration to the question whether to recommend that a return should be made to the Minto-Morley system under which Provincial Councils were elected by local bodies. A majority of the Chambers, however, are opposed to making any such recommendation, for the problems dealt with in the Council are more nearly within the grasp of electors and, allowing for the spread of general and political education, it may be expected that the electors will in the future be able to form more intelligent opinions on the questions raised at provincial elections. They also doubt the political expediency of depriving these electors of powers and rights they already possess.

The Chambers do not feel competent to express an opinion on the franchise at present in force, but they would point out that the number of electors is

increasing automatically as more and more persons satisfy the franchise requirements, and they would be opposed to any lowering of the present qualifications. The task of educating even the present electorate will be a slow and painful process, and it should not be hindered by the addition of a large mass of still more ignorant and inexperienced voters.

**Communal Representation.** The Associated Chambers interpret the speech of the late Lord Minto, on the 1st October, 1906, in reply to the Moslem delegation headed by H.H. the Aga Khan as a pledge which binds the British Government both in letter and in spirit. This and subsequent statements by Viceroy and Secretaries of State, therefore, involve the retention of communal representation for the Muhammadan community until such time as they choose voluntarily to surrender it.

Even if they did not hold this view, the Chambers would still consider it highly injudicious to make any change. Territorial representation is only one method of organising representative government, and the fact that it has been generally adopted in the West is no reason for its unqualified adoption in India, where ties of neighbourhood are far less strong than ties of religion and caste. Men are less concerned about rights they enjoy in security than those that are threatened, and the failure of Mr. Jinnah to persuade the Muhammadans of the Punjab, the United Provinces and Bengal to surrender their rights for the sake of an agreement with the Hindus makes it clear that for an external body to seek to deprive them of these rights would provoke widespread opposition and would exacerbate communal hatred.

Similar considerations apply to the Madras Presidency, where the tension between Brahmans and non-Brahmins requires provisions of a like nature, and again to the Punjab where the Sikhs scattered over wide areas can be adequately represented only by means of a communal electorate.

**Nomination.** It appears to the Chambers that for an indefinite time to come, it will be necessary to employ the expedient of nomination to secure the representation on all legislative and municipal bodies of minority communities or special interests. In a country like India it is, moreover, the only way to secure the very valuable services of men whose social position makes them unwilling to face the bustle and strain of a public election. It is for this reason that it has been recommended that a substantial proportion of the members of the Second Chambers in the provinces should be nominated. Equally, however, it appears that labour and the Depressed Classes can only be adequately and fairly represented if Government nominates some able, honest and educated men to represent their interests.

Further, though the qualification for the franchise is already very low, a large majority of the people still remain without the power to vote. In the past the interests of these depressed and backward classes may be said to have been represented, and ably represented, by the official members of the Council. The proposed exclusion of all official nominees clearly necessitates the extension of the system of nomination in order that the depressed and backward millions may not lose the representation they have now, even though it be indirect. For this purpose the Chambers recommend that nominations be made to represent these people by members of their own class; for men of good education and ability can be found in every community, and they believe that a man, who has won a position in life in spite of the disabilities of birth, is likely to prove of value and a steadying influence in any legislature.

There has perhaps, in the past, been a tendency for Government to select for nomination men who were generally agreeable to the Government policy rather than those who held strong and independent views. This, however, may be explained, if not excused, by the obligation reposing on Governments, both Central and Provincial, to work through legislatures in which they had only a precarious, or sometimes no, majority. The proposals of the Chambers will

alter this state of affairs if accepted, and the pressure of necessity having been removed it may reasonably be anticipated that there will be no inducement for nominations to be made on any other consideration than the representative value of the nominee. This will be better ensured if the power of nomination to both houses of the provincial legislatures resides in the Governor acting on his own initiative.

*Commercial Representation.* Representation should be accorded to Commerce by means of election by Chamber of Commerce constituencies; but in order to ensure that commercial interests are truly represented, the Chambers consider that it is necessary for the purposes of the Governing Act so to define Chambers of Commerce as to ensure that the membership of the Chambers shall be confined to genuine representatives of trade and commerce.

Considerable dissatisfaction has been expressed during the past few years by the Chambers of Commerce with the methods of election which have been laid down under the election rules of the various Provinces for Chamber of Commerce constituencies, and the Associated Chambers strongly urge that the difficulties which have been experienced and complained of should be removed. They urge that the necessity for nominating an individual to represent a member of a Chamber of Commerce, and whose name must appear on the electoral roll, should be done away with, and that the member, when a firm or corporate body, should be given power to vote in its own name. Alternatively, the electoral rolls of Chamber of Commerce constituencies should be revised semi-annually, if not quarterly. Under the present rules many members are deprived of their votes, and are also prevented from nominating persons connected with their business as candidates for election by the fact that the person whose name appears on the electoral roll, prepared perhaps two or three years previously, has severed his connection with the member's business or has died, or is absent on leave. Members of Chambers of Commerce should be permitted to nominate any duly accredited person connected with their business as a candidate and also to nominate any similarly accredited person to exercise the vote on behalf of the member. In short, the membership roll of the Chamber should be the electoral roll.

The details of the position as it stands to-day, with an historical description are contained in the special note drawn up by the Bengal Chamber of Commerce, and printed in the Appendix.

*The Executive Council.* The Chambers of Commerce are opposed to any alteration in the general nature and constitution of the Viceroy's Council. They do, however, feel that there are strong reasons for diminishing the numerous and heavy duties which devolve upon the Commander-in-Chief. His Excellency is required to discharge the functions of Commander-in-Chief, Secretary for War, and Member of the Civil Government. They do not consider it fitting that His Excellency should be called upon to take part in political controversy, and as Army Member defend his department in the Assembly. They recommend, therefore, that he should be withdrawn from the Legislature.

The appointment of a new civilian member of the Executive Council responsible for the provision of munitions and supplies would enable the parliamentary representation of the Army Department to be undertaken by him, and would also provide an additional check on military expenditure. It does not seem on principle desirable that the difficult task of holding the balance between the requirements of efficiency and the claims of economy should rest on one individual. A colleague in the Executive Council would surely be of assistance to the Commander-in-Chief in exercising a control over military expenditure and the Chambers agree with the majority of the Esher Committee that "the creation of a separate department of govern-

ment responsible for production and provision would undoubtedly result in increased efficiency and consequent economy . . . and that the Indian taxpayer would welcome this scheme, as affording the best guarantee that his interests are safeguarded."

It is not proposed that the Commander-in-Chief should cease to have the rights attaching to full membership of the Executive Council, but he should be excused attendance at meetings which do not affect his department.

On the whole of this subject, the Associated Chambers would invite the attention of the Statutory Commission to the weighty reasoning of the majority of the Army in India Committee's Report, especially Part II Section I, paras. 3 to 16, and Part I, Section III, para. 19.

*Secretary of State.* The Chambers of Commerce do not think it necessary to refer at length to the question of the powers of supervision and control exercised by the Secretary of State over the Government of India and the Local Governments. The principle is clear, and so far as they know has never been departed from, that relaxation of control by the Home Government has only taken place in proportion as a Colonial Executive has become responsible to the Colonial Legislature. Until the Government of India is responsible to the Indian Legislature, it will have to remain responsible to the Imperial Parliament. As Parliament exercises this control by holding the Secretary of State responsible for the good government of India, it follows that he must continue to control the Government of India. This constitutional doctrine does not, however, in any way conflict with the gradual growth of conventions that the Secretary of State's overriding power will not be normally exercised in particular departments. Such a convention indeed already exists that in cases where the Government of India and the Legislature are in agreement on a fiscal question, the Secretary of State will not override the agreed policy.

It follows equally from the principle above laid down that a consequence of giving responsible Government in the provinces will be to enable, and indeed to require, the Secretary of State to cease to exercise any control over the Provincial Governments as regards provincial and domestic matters. They do not think any change in the legal powers of the Secretary of State are needed, for, in the event of a breakdown of Government and a consequent suspension of the constitution of a province, the Secretary of State's responsibilities will at once return.

*Statutory Safeguard against Legislation Discriminating against British Commerce.* The Chambers of Commerce are greatly concerned at the tendency shown by Indian politicians to introduce legislation discriminating against British commercial interests established in British India. It may reasonably be claimed that the remarkable increase in the wealth of India during the last century has been due more to the initiative of British firms than to any other cause except the establishment of Peace by British political rule.

British commercial houses have been established in India for over a century, and they may claim to have shown the way for the economic developments which have enabled Indians subsequently to embark upon similar ventures. It was principally with British capital that jute mills, coal mines, engineering works, coastal shipping, and ship repairing yards were started in days when India possessed no such enterprises. It was principally with British capital that the railways were built which facilitated communication between the different parts of India, thereby first establishing the idea of a common Indian nationality, and by facilitating the transport of grain mitigated the horrors of famine. It was principally with British capital that vast irrigation works were built which have made productive large

tracts of country previously desert. It was principally British capital which turned vast areas of jungle into wealth-producing tea gardens. The European firms in India, so far from desiring to hamper indigenous enterprise, welcome it as likely to increase the wealth of the country to the advantage of Indians and British alike. They do, however, claim on grounds of justice and expediency that the Indian legislatures shall not be in a position to imperil the existence or development of any commercial or industrial interests established in India by legislation or taxation indicating discrimination of a racial or communal character. The Chambers confine themselves to asking for "national treatment" only for industries and commerce established in India, whether registered there or not; and nothing in this demand is to be construed to prevent the imposition of tariffs for revenue or protective purposes. Fiscal autonomy has already been granted to India by the Imperial Parliament, and India has adopted as a policy some measure of protection.

The Chambers feel, however, that this restraint should only apply in the case of countries which do not discriminate against India. British commerce in India asks for no privilege, but merely for the same impartial treatment as is accorded to Indian commerce in Britain. Such a provision is a familiar clause in commercial treaties between two fully sovereign countries.

Such a prohibition would admittedly be a novel constitutional provision, but there is no lack of precedent for the principles it rests upon. Capitulations are authority for the proposition that European countries have found it necessary to insist on certain safeguards for their nationals resident in Oriental countries; commercial treaties show that to accord "national treatment" to foreigners established in the country is not considered derogatory or inexpedient by fully sovereign states; the constitutions of the United States and other confederations are evidence that a fundamental law can be effective in protecting personal and commercial rights against the caprice of popular legislatures.

The Chambers suggest that this should take the form of a clause inserted in the next Government of India Act, which will be an integral part of the statute creating the Indian Constitution. This would enable any person aggrieved to move the courts to treat as *ultra vires* any measure of an Indian legislature purporting to enact discriminatory legislation or taxation. This clause should extend to Acts passed by the Central or Provincial legislatures, and to by-laws or regulations passed by Local Government bodies.

The Chambers conceive that the next step towards making India a federation of autonomous provinces will necessarily include a Supreme Court to interpret that constitution, and to adjudicate upon the reciprocal rights and obligations of the Central and Provincial Governments and of the Provincial Governments *inter se*. In this case the ultimate tribunal in India for interpreting this clause would obviously be the Supreme Court, subject to an appeal lying as of right to the King in Council.

**Federation of India.** The Chambers of Commerce are of opinion that economic and political developments in India are tending more and more to compel a federation of the whole of India, including the Indian States. They therefore consider that any constitution for British India which does not take into consideration and in some way include the Indian States must be regarded as provisional only. They are strongly of opinion that it would be immensely to the advantage of both the Indian States and British India if some constitution could be agreed upon which would make the whole of geographical India into a single economic unit.

One of the gravest obstacles to increased trade between British India and the States is the immunity of the Governments of the latter from the jurisdiction of any courts even in purely commercial matters.

It is clear that it can only be by a voluntary limitation of their sovereign rights by the princes themselves that this obstruction to trade can be done away, but the Chambers believe that acceptance by the State Governments of a liability to be sued on commercial contracts and of machinery for executing decrees obtained against them would result in a great increase in trade between the States and British India to the benefit of both parties.

**Meston Settlement.** The Associated Chambers of Commerce of India and Ceylon as a body are not able to put forward any proposals for a redistribution of provincial and central revenues, owing to the fact that their members necessarily regard the question from the point of view of their respective provinces whose interests are to a large extent conflicting.

They consider, however, that a satisfactory solution of this problem is an essential condition of the successful working of any new constitution proposed for India, and they consider it to be a problem of such complexity as to require the careful and prolonged investigations of an expert Committee specially appointed for the purpose.

They have, therefore, already recommended to the Statutory Commission the appointment of some such expert Finance Committee to examine this problem and to report thereon to the Commission. Individual Chambers of Commerce will make separate representations to this Committee if appointed.

**Conclusion.**—In conclusion the Chambers desire to state quite explicitly the reasons which have led them to advocate a general advance to responsible Government in all the Provinces. They do not delude themselves with the belief that according to the strict interpretation of the Preamble to the Government of India Act, (Parliament "must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility") the evidence will establish a case for any development of self-governing institutions in the Provinces of India. They believe that there is a lack of evidence to show that Indians are capable of governing themselves; there is, however, equally a lack of conclusive evidence to show that Indians are incapable of governing themselves. The Chambers are anxious that there shall be no ground for any suggestion that Britain has not honoured the pledge given in the House of Commons on the 20th August, 1917, and for this reason they recommend that self-government in India should be given a fair, and more than a fair, trial.

They do, at the same time, recognise that Britain is under an obligation of honour not to hand over the destinies of minorities, the Depressed Classes and those who are economically most helpless, to the control of an indigenous oligarchy unless that oligarchy gives proof of being as willing to constitute itself a trustee for the whole body of the Indian peoples, regardless of race, creed and caste, as the British Government has been. The Madras Adi Dravida Jana Sabha said in their address to Lord Chelmsford and Mr. Montagu, that, "they would fight to the last drop of their blood any attempt to transfer the seat of authority in this country from British hands to the so-called high caste Hindus who had been oppressing them in the past and would do so again but for the British Government"; and the Chambers of Commerce believe that this address expressed the inarticulate sentiment of many millions of Indians.

The terms of reference of the Statutory Commission require it to report, "to what extent it is desirable to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government then (*i.e.*, now) existing." The evidence at the present juncture is inconclusive, owing largely to the financial and constitutional difficulties which have affected the working of

dyarchy; but the Associated Chambers of Commerce consider that if further instalments of responsible government are to be given automatically from time to time without safeguarding the interests of the mute masses of India, Britain will have been guilty of betraying a trust not incompatible with, and equally as sacred as, the Declaration of 20th August, 1917.

Therefore, they conclude this Note with a strong expression of opinion that if the full measure of responsibility for Provincial Government which they have recommended, is granted, and if it fails to attain to that standard of efficiency and impartiality which would justify its continuation after fair trial the British Government will be forced on grounds of its responsibility to India and to humanity to resume again the control voluntarily delegated.

## APPENDIX.

### *Memorandum by the Bengal Chamber of Commerce regarding the election of representatives of the Chamber on legislative bodies.*

For many years the Chamber has returned representatives to the legislatures. The principle of the election of these representatives was conceded when the Morley-Minto Scheme of Reforms was introduced in 1910; prior to that time the Chamber had recommended members for nomination by the Government. In regard to certain bodies other than the Legislative Councils the principle of election was in operation, but, unfortunately, the simple methods of election followed in respect of these bodies were not adopted for the Councils. A more complicated procedure was introduced, and this became still more complicated with the establishment of the Montagu-Chelmsford Councils ten years later. For an attempt was then made to bring the procedure for commerce and industry constituencies into line, more or less, with the procedure prescribed for general constituencies. This necessitated an Electoral Roll, and the question at once arose as to what names were to be entered on the Roll.

2. With one exception the members of the Chamber are firms, companies, or corporations, and it was agreed, in 1920, by Government and the Chamber, that the provisions of the rules would be complied with if the names of the members, exclusive of aliens, were entered on the Roll. This arrangement lasted until 1924, but in the petition presented against the return of Mr. Byomkesh Chakrabarti to the Bengal Legislative Council as a representative of the Bengal National Chamber of Commerce, the Commissioners took the view that only the names of individual persons, and not the names of firms, companies, or corporations as such, could be entered as electors on the Electoral Rolls of commerce and industry constituencies. The Chamber did not contest the decision of the Commissioners as to the legal interpretation of the rules as framed, and in July, 1924, the Government of Bengal informed the Chamber that, in order to give effect to the decision, it was proposed to submit for the consideration of the Government of India certain modifications in the Electoral Rules, of which particulars were given. Meantime, however, recognising that the position must be accepted for the time being, the Committee of the Chamber had already taken steps to prepare a revised Electoral Roll for the Chamber constituency of the Bengal Legislative Council; and this Roll was in due course completed by getting the various firms, companies, and corporations each to nominate an individual connected with such firm, etc., for inclusion in the Electoral Roll. The Chamber's reason for taking the initiative in regard to the Bengal Council Roll was the doubt whether, in the forthcoming session of the Council, the presence of the Chamber representatives in the Council might not be challenged on the ground that their election was invalid.

3. But the modifications suggested by the Government of Bengal, and referred to above, did

not meet with the approval of the Chamber Committee, and they informed Government that they were not prepared to accept a system of election which necessitated an Electoral Roll giving the names of persons, that is to say, the names of partners in firms and directors of companies. They pointed out that such a Roll may be considered to be for all practical purposes impossible in the case of the Chamber, because of the frequent changes among the personnel of partners in firms and directors of companies. The Committee accordingly proposed that the alterations in the electoral rules should be such as to enable members of associations such as the Chamber to elect their representatives in their own way subject to the approval, by the Governor in Council, of their regulations.

4. The Chamber maintains that it was never the intention of the framers of the Reforms Scheme to prescribe, for constituencies such as the Chamber, such complicated regulations as were in fact introduced. Lord Southborough's Franchise Committee of 1918-19 was required to advise *inter alia* as to how representation could be adequately and effectively secured in the new Councils for special interests. In dealing with this part of their reference the Franchise Committee said in paragraph 23 of their report:—"We are satisfied that the method of representation through associations has worked well in the past and should be continued in the future. Where, therefore, we have found associations which have been proved to our satisfaction to be fully representative of the various interests concerned we recommend that election to the special seats provided by us for commerce and industry should be made by their members. . . . We have recommended safeguards against the abuse of the method of election through associations by proposing that the regulations for elections should in each case be approved by the Governor in Council, who will further have authority to modify the system of representation in order to meet any alteration in the position or constitution of the different associations. The regulations should contain provisions for ensuring that all electors have a place of business within the province." It is clear from this extract that the Franchise Committee intended that the members of associations such as the Chamber should elect their representatives in their own way subject to the approval, by the Governor in Council, of their regulations.

5. Two examples may be quoted of the application of a simple system of election by the Chamber. The first of these is to be found in the Calcutta Municipal Act of 1899; the second in the Calcutta Improvement Act of 1911. Section 58(1) of the Calcutta Municipal Act of 1899 provided for the appointment of Commissioners by the members of the Chamber in such manner as might be determined at a meeting of the Chamber to be convened in accordance with the provisions of rules made under section 8(3) of the Act. In exercise of the powers thus conferred the Government of Bengal framed the following rules which they published on the 9th July, 1900:—

1. When the term of office of any Municipal Commissioner appointed under section 8(2), (a), (b) or (c) is about to expire or when a vacancy has occurred, or is about to occur, by reason of the death, resignation, removal or disqualification of any such Commissioner, the Chairman shall cause a notice to be addressed to the President of the Bengal Chamber of Commerce, the Master of the Calcutta Trades Association, or the Chairman of the Port Commissioners, as the case may be, stating the number of vacancies in which Commissioners are to be appointed, and fixing a date for submitting the return prescribed by section 58(2) of the Calcutta Municipal Act.

2. On receipt of the said notice, the President of the Bengal Chamber of Commerce, the Master of the Calcutta Trades Association, or the Chairman of the Port Commissioners shall respectively proceed to take steps in such manner as may from

time to time be decided upon by the Chamber, the Trades Association or the Port Commissioners for the purpose of appointing Commissioners to fill the said vacancies.

6. In pursuance of these rules the members of the Chamber adopted the following resolution in special general meeting on the 7th August, 1900 :—

That until otherwise determined at any future meeting of the Chamber, the appointment of a Commissioner or Commissioners under sections 8(2) of the Calcutta Municipal Act III (B.C.) of 1899 shall be made by a majority of votes of members of the Chamber. Such votes shall be given by voting cards to be issued by the Secretary on the direction of the President and to be numbered and signed by the Secretary. No voting cards shall be received or used unless so numbered and signed. The voting cards shall be signed by the members voting, and shall be returned to the Secretary within three days from the date on which the same shall be issued and no voting cards shall be used unless returned within that time. On the return of the voting cards to the Secretary, such cards shall be examined by two members of the Chamber, who shall be appointed by the Committee as scrutineers. The scrutineers shall report the result of their examination of the voting cards to the Secretary and such report shall, as to appointment of any Commissioner or Commissioners, be final and conclusive.

7. Section 4(a) of the Calcutta Improvement Act, 1911, provides that the Board of Trustees shall consist of eleven persons, one of whom is to be a member of the Bengal Chamber of Commerce; and section 7(2) of the Act provides that this trustee shall be elected by the Chamber. In exercise of the powers conferred by section 137(1) of the Act the Government issued, on the 20th December, 1911, the following rules governing the election :—

1. In these rules, "member of the Chamber" means a person who—

- (a) is a permanent member of the Bengal Chamber of Commerce, or
- (b) is entitled to exercise the rights and privileges of permanent membership of the said Chamber on behalf, and in the name, of any firm or joint stock company, or other corporation, and who has a place of residence in India.

2. (1) On or before such date as may be appointed by the local Government in this behalf, the Secretary to the Chamber (hereinafter referred to as the "Secretary") shall, under the direction of the President, send to each member of the Chamber a voting card, which shall be numbered and signed by the Secretary.

(2) Any voting card which is not duly numbered and signed by the Secretary shall be invalid.

3. (1) Each member of the Chamber shall have one vote only.

(2) Every member desirous of voting at the election shall record his vote on his voting card and sign it, and shall return the card to the Secretary within seven days from the date on which it was issued.

(3) Any voting card which is not returned to the Secretary within the said period of seven days shall be rejected.

4. On the return of the voting cards to the Secretary they shall be examined by two members of the Chamber, who shall be appointed by the Committee of the Chamber to act as scrutineers.

5. (1) The Scrutineers shall report the result of their examination of the voting cards to the Secretary.

(2) The candidate who has obtained a majority of votes shall be deemed to be elected, and the report of the scrutineers shall be conclusive evidence of his election.

(3) If the voting has resulted in a tie between two or more candidates lots shall be drawn, in the presence of the scrutineers and in such manner as the President of the Chamber may prescribe, to determine which candidate shall be deemed to be elected.

8. In the case of the Corporation of Calcutta, the method of election as defined above was in operation from 1900 until the Municipal Act of 1923 came into force. It was a simple, direct and practical method, and it was never known to create even the smallest difficulty. The similar system which was made applicable to the Calcutta Improvement Trust has also worked most satisfactorily since 1911. It may be explained that the procedure which is now in force with regard to the election of representatives to the Corporation of Calcutta requires an Electoral Roll, but the Roll consists of the names of members of the Chamber, that is to say, of firms, companies, etc., and not of the names of individuals. This arrangement is, of course, very much more satisfactory than is an Electoral Roll of individuals, because it has not the result, as the "individual" Roll has in the case of an electorate like the Chamber, that in a short time after the Roll has been completed a considerable number of those whose names appear on it will be found to be absent from India on leave. A point of importance is not only the possible loss of a vote in the election of a representative but—as has been found again and again in practice—the omission of the name of a person willing to come forward as a candidate for election but unable to do so because his name does not appear on the Electoral Roll.

9. The Chamber has been in correspondence with the Government of Bengal on the subject for some time past. They have suggested that the rules should be so amended as to enable the Chamber to elect its representatives on a simpler system. And they are glad to say that the Government of Bengal have expressed their willingness to recommend the amendment of the rules in this sense. The Chamber put forward certain definite amendments as framed by Counsel, and these were largely adopted by the local Government and, the Chamber understands, submitted to the Government of India. It is unnecessary to refer in detail to the changes proposed, but it is sufficient to say that a modification of the rules on the basis of the suggestions would eliminate the Electoral Roll altogether and introduce a simpler system of election similar to that prescribed by the Calcutta Municipal Act of 1899 and the Calcutta Improvement Act of 1911, which is referred to above in paragraph 5.

## CALCUTTA.

22nd January, 1929.

Morning

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE, AND OF THE BENGAL PROVINCIAL COMMITTEE (EXCEPT MR. FAZL-UL-HUQ AND MAULVI ABUL KASEM).

## Deputation of the Associated Chambers of Commerce of India and Ceylon.

(Members of the Deputation from the European Association who were examined in the afternoon, \* were also present)

The deputation consisted of :—

The Hon. SIR GEORGE GODFREY, Member of the Council of State, President of the Associated Chambers in 1928, and President of the Bengal Chamber of Commerce.

Mr. H. G. COCKE, M.L.A., Deputy President of the Associated Chambers in 1928, and Chairman of the Bombay Chamber of Commerce.

SIR JAMES SIMPSON, M.L.A., representative of the Associated Chambers of the Legislative Assembly, and Past Chairman of the Madras Chamber of Commerce.

Mr. T. GAVIN JONES, M.L.A., Past President of the Upper India Chamber of Commerce.

Mr. J. H. FYFE, M.L.C., Vice-President, Bengal Chamber of Commerce.

Mr. D. K. CUNNISON, Secretary of the Associated Chambers in 1928, and Secretary, Bengal Chamber of Commerce; and

Mr. A. H. E. MOLSON, Political Secretary of the Associated Chambers.

1. *The Chairman* : \* \* \* It seemed to me, on looking through your document, that if one were to pick out a single sentence, you might, perhaps, think it right if I picked out the sentence on page 111, which starts with the heading "The Central Government." There, I see you say : "The Chambers of Commerce are only prepared to favour the grant of responsible government in provinces on condition that the position of the Government of India *vis-à-vis* the Legislative Assembly, is strengthened." If I understand this document as a whole rightly, that is really the principle which underlies the whole scheme?—(Sir G. Godfrey) That is so.

2. That means, of course, that we have got to consider two separate things, and also to consider the two in relation to one another. One is, your proposal for a change in the Provincial Government, and the other is your proposals in relation to the Central Government; and the third is your proposals for the relations between the two. It seems to me that on points of constitutional structure, that is the way it breaks up. Now, let me first of all take in outline your proposals for the reform of provincial Government. Of course, every member of the Conference will have noticed the very striking passage on page 108. \* \* \* "The Chambers there fore recommend the grant to provinces of constitutions varying up to full responsible autonomy"—I will come back to that word, "varying" in a moment—"provided"—then you mention five conditions : "(a) That the position of the Government of India *vis-à-vis* the Assembly is strengthened." Well, I will take that later on; that is the assumption. "(b) That the Central Government is given powers of intervention in the event of a breakdown of government in any province." That is rather my

third head, the relation of the two. "(c) That 'Provincial Second Chambers are set up.' I want you to develop that in a moment. "(d) That adequate 'safeguards are provided for the administration of the Police; (e) That a clause is inserted in the new Government of India Act forbidding discrimination against industrial and commercial interests in Central and provincial legislation and taxation and in municipal bye-laws and taxes." One or two of those things, I think, need to be looked into a little more in detail. What does the Chamber mean when it says in the passage I have just read, that they recommend the grant to the provinces of constitutions varying up to full responsible autonomy? Does that imply variation as between one province and another?—In the first case, it would be so, and the word "varying" is also used with regard to the expressions, "full responsible government." "Varying" refers to the initial stages, when we do not contemplate that all provinces will necessarily receive the same amount of autonomy, and also in regard to the fact that we did not consider that it was possible to introduce full provincial autonomy straight away. The Central Government must retain certain powers over the provinces.

3. Then at page 108 we get proposals, and I will first of all take the proposals which have to do with executive government as opposed to the constitution of the legislatures in the provinces. You propose to transfer to provincial ministers all subjects, or, in the view of some Chambers, all subjects except Law and Order. Then, subject to the possible qualification about Law and Order, you intend under this scheme, if the other conditions are satisfied, to get rid of diarchy altogether?—That is the intention as far as the executive is concerned.

4. Then you say you recommend the abolition of the Provincial Executive Council. That is because you propose to have a ministry, I suppose, with joint ministerial responsibility. Do you propose a Prime Minister?—No, we do not propose a Prime Minister.

5. I am not quite clear how it is intended that the ministry is to be constructed?—The idea is that the Governor shall consult with leaders of various parties in the Provincial Council, and shall select his ministers from those leaders, giving due regard to the prospects of obtaining a working majority for what you might call the Cabinet; but we do not propose that he should nominate a Prime Minister or Premier, the idea being that the Governor would preside at the meetings of the ministry.

6. I realise that you propose he should preside, but I want to see how you suggest that the ministry is to be brought together. Is your idea that it is to consist of leaders of different parties, or that it is to consist of members of one party?—I think it would be impossible, under present conditions, to obtain a ministry from one party. They would

\* See page 148.



never be able to secure a working majority in the House.

7. Is it the idea that the Governor is to choose each of them and then say that they constitute the ministry, or is the idea that the Governor is to choose his principal adviser, who will then advise the Governor about his colleagues?—No, our idea is that he should nominate all the members, because if he is to preside over them at meetings he must be presiding over a Cabinet of men with whom he can work, and on whom he feels he can rely to carry measures through his House, and he will choose them accordingly.

8. Do you conceive that under that system there is likely to arise an organised opposition?—Oh, certainly.

9. If you compose your ministry of the chiefs of a series of groups, it is not very easy to see how there will evolve, or might be expected to evolve, an Opposition?—Well, I think in a provincial council, for many years to come, whatever the grouping might be, there would always be an opposition to it. There would also be break-aways from groups.

10. I meant an organised Opposition, an opposition based on some principle or other?—We cannot visualise any suitable division of parties as things are in India at the present time, so that we cannot expect to have two parties, or even three parties; there are almost certain to be more than that.

11. Now taking the legislative side, I see at the bottom of page 110 you propose the abolition of all official nominated members, the ordinary official *bloc*, so that your provincial legislature would consist entirely of members who are elected and members who are nominated, but not officials, with the possible exception, you say, of a secretary speaking for, perhaps, the Law and Order department, if it was dealt with specially: is that it?—Yes.

12. I understand that you are not proposing, in the case of the provincial legislature, indirect election: you propose, in substance, to leave the franchise much as it is?—Yes.

13. It will come back to what you call Law and Order in a moment; but turning to page 110, you repeat there in more detail what you said on page 108, and what you regard, apparently, as a condition, that there should be a Second Chamber in the province?—Yes.

14. And I gather that you think it should be partly nominated and partly elected; perhaps two-thirds elected and one-third nominated?—That is our suggestion, yes.

15. And do you regard that as an essential feature of your scheme?—That proportion?

16. No, the creation of a Second Chamber in the province?—Yes, we consider that essential.

17. There is one other feature of the provincial scheme, apart from Law and Order, which is of great importance, and very striking. It is at page 110. You say, "The grant of full responsibility to the legislature"—that means the provincial legislature—"will enable the powers of certification of the Governor to be abolished." Then I gather that the view of the Chambers is that if their other conditions were fulfilled, they would be prepared to contemplate provincial legislature with a ministry responsible to the legislatures, the legislatures for the most part elected, with a nominated unofficial element added, the Governor presiding at the Council of Ministers, but the Governor being in a position where he had to accept whatever the legislature decided. Do you propose that he should be left with any power of veto over legislation?—Yes, we would retain that.

18. But no power of certification; that is to say, the initiation or the effecting of legislation or of finance which is refused?—Well, in regard to certification we wished to abolish it as far as possible. In regard to this reference to Law and Order, we recognise at once that if Law and Order is what is generally called a reserved subject, the Governor must have powers of certification. We also recognise

that even if it was a transferred subject it might, under certain conditions, be necessary for the Governor to have powers of certification, and, in the event of any emergency, we would recommend that temporary powers of certification might be reserved. It might be only temporary.

19. I have not quite followed all this. What you have last said is not in the document, is it?—It is not expressed in the document, no; I am developing what the idea was in our minds.

20. I am reading the sentence on page 110 "The grant of full responsibility to the legislature will enable the powers of certification of the Governor to be abolished." I appreciate, of course, that if you make special arrangements for the police you may have to make a special exception, but I have not discovered anywhere in your document provisions for the temporary exercise of powers of certification in what is called a time of emergency?—We had that in our minds when we wrote on page 110, under the heading of "Intervention by the Governor-General," that there might be a breakdown of the Government in a province.

21. But I am speaking of the Governor of the province?—Yes.

22. I understand your answer to be with reference to that?—I said we should like to see reserved for the Governor in the province, under temporary conditions, powers of certification which would, as I say, only be temporary, because if it was a serious breakdown the Governor-General would step in under our recommendation and declare that the administration of the province had broken down, and that it must be resumed under executive control. We have not expressed that anywhere, but it is a development of our idea.

23. If you will excuse me for saying so, I hardly think it is a development. I understand the plan as it is given in the document. I read what you say on pages 110-111, and I understand what is meant. It appears to be this: that there shall be no power of certification in the provincial Governor, that it would be quite illogical to suggest such a thing, that responsibility in the provincial legislature is conceded and things must take their course, but that if the situation were such as to require the intervention of the Governor-General in Council, provision might be made for it. That does not seem to me to be quite the same thing as saying that as a temporary matter a Governor might intervene, and I wanted to know what your views were?—In further discussion we thought a situation might possibly arise where, for some reason or other, the supply of funds was deliberately and obstructively refused, and it would then be necessary, pending a reference to the Governor-General in Council, for the Government to be able to meet payments due, and the Governor would have to have powers to certify such expenditure. We wish to curtail the powers of certification as far as we possibly can, because we feel that they have always been a great grievance on the part of the legislatures and have given rise to a good deal of friction.

24. Let me ask you one question on a subject which is not unfamiliar to us in its various aspects. It is apparently by convention always called Law and Order. You know, of course, there is no such head in the Devolution Rules at all. What were you intending to include in "Law and Order"? Is it police and jails, or what is it?—We have headed the chapter "Law and Order," and in the first paragraph we deal with judicial administration and in the second with police administration.

25. It is a highly technical matter, but is it your view that if your scheme was adopted the High Court should be a provincial subject, or should it be a Central subject?—Central.

26. You say: "The Chambers consider that all the High Courts should be under the Government of India, both for administration and finance"?—Yes.



27. We are going to hear the Chief Justice in the course of our sittings, and we shall hear his view about that. With regard to the Police, I gather (and it is certainly not a matter of reproach) that the different Chambers throughout British India are not quite agreed about this subject. It is very natural they should not be?—There is very wide divergence of opinion.

28. And, therefore, you have had to write a paragraph (which is very helpful to us) which makes allowance for those wide divergencies of view?—Yes.

29. I quite see that. I do not think I will ask you specially about that. That is the outline so far as the province is concerned. It is convenient to take the thing I mentioned third next, before we come to the Central Government *simpliciter*, namely, the suggested means of intervention in case of need in the affairs of the province by the Central authorities. You deal with that on page 110, where you say: "While desirous of making recommendations of so liberal a character as to meet all legitimate Indian aspirations, the Chambers of Commerce do not conceal from themselves the possibility that the new constitution like the old one may be faced by deliberate opposition or obstruction on the part of some Indian group or party. They, therefore, consider that provision must be made to meet the danger of a breakdown of Government in any province. They consider that the Governor-General in Council should be given powers in case of necessity to intervene, and, in fact, to suspend the constitution." I may as well confess to you that my own training and study as a constitutional lawyer, such as it is, makes this phrase, "suspend the constitution," a little difficult for me. What is it that would happen if the Governor-General in Council in fact suspended the constitution? How do you conceive the course of events then?—\* \* \* Our idea was that in the event of a serious breakdown the Governor would be in touch with the Governor-General in Council and would report all the conditions, and the Governor-General in Council would by executive order be able to declare that the constitution (as we look on it) had broken down, and the Governor, with his permanent officials, would have to take over the administration of the province. Section 59 of the Government of India Act says: "The Governor-General in Council, may, with the approval of the Secretary of State, and by notification, take any part of British India under the immediate authority and management of the Governor-General in Council, and thereupon give all necessary orders and directions respecting the administration of that part, by placing it under a chief commissioner or by otherwise providing for its administration." That was the idea that was in our minds.

31. I daresay I am wrong, and I am quite willing to be corrected, but I had thought that followed on Section 58, and was not intended to be an emergency power "suspending the constitution." Do you think it was?—We refer in our Memorandum to an emergency power, but I think that illustrates the method. You asked how we visualised what would happen if the constitution were suspended. That illustrates the method by which it would have to be done.

32. Do not think I am in the least criticising; it is with the object of being a little clearer, because, of course, although the expression, "suspending the constitution," is constantly used, for instance, on the continent of Europe, it is not a very easy thing to visualise from the British administrator's point of view. Would it mean that the Governor-General in Council would disband the legislative Council?—Yes.

33. Would he dismiss the ministers?—The ministers would go with it unless the Governor recommended their retention to assist as administrators, not as ministers. The Governor would still have his permanent staff of officials.

34. The officials would be, would not they, the officials of the provincial Government? They would not be the Governor's in any personal sense, would they?—That is another question, as to whether they are members of the provincial services or of the All-India Services. That is a complication which arises.

35. Anyhow, I wanted to be clear what was in your minds. Let us now turn for a moment to the Central Government, which you deal with particularly on page 111. Here, again, we want to distinguish, do not we, between the executive and the legislative arrangements. As regards the executive, as I follow your document, you are not proposing any substantial change; that is to say, the Viceroy would have his council and would choose his councillors?—Yes.

36. Or, rather, they would be appointed by the Secretary of State?—Yes.

37. On the other hand, in the legislature you do propose a change?—Yes.

38. That is argued out on page 111, and also referred to at page 112. Will you please help us a little more about this? Take what you say at the bottom of page 112: "The Chambers of Commerce recommend that the strength of the Government parties should be made approximately equal to what may anticipated will be the strength of the anti-Government party." I perfectly understand the object aimed at in that sentence, but I should be grateful if you would develop a little how you think it might be written down on paper. Your point is a very powerful one. Your point is that as things are in the Central Legislature, experience goes to show that the opposition, the legislative Opposition, is more numerous than the body that supports the Government, and you make the point (which I think I may say, so far as it goes, is a perfectly good point) that it is not a very happy arrangement or one that is likely to work very smoothly, if a Government in a legislature finds itself the smaller rather than the larger party. Some of us who are accustomed to arrangements of a different sort in Britain do not understand how the Government can get the time of the House, how it can decide when the House shall adjourn, and many other things, when it has not got a majority. I quite understand your point, but how do you propose to remedy it?—We recognise that it is a very difficult matter, and we had a considerable amount of discussion over it. If I may put it in this way, it will give you what our idea was. We quite recognise that it is a very difficult subject, and that the present position is very unsatisfactory indeed; but, unsatisfactory as it is now, it is likely to become more so, probably when provincial autonomy has been given and when some of the provincial Governments may be obstructive to the Central Government. We hope, and with some degree of confidence, that members of the Legislative Assembly being elected by the provincial legislatures, instead of direct by the country, will be men of better balanced ideas than some of those who now attend in the Assembly, but we do not anticipate that they will show less bias against Government. The necessity, therefore, is either to increase the number of nominated officials to half the total strength of the House, or to reduce the number of elected members, or to combine both these procedures. On practical grounds, we feel it is embarrassing to administrations for a considerable number of officials to be sent up to Delhi or Simla to act merely as voting machines, and it is somewhat humiliating for very senior officials who are sent up there to be treated in that way as mere pawns. If they were allowed to speak freely and take part in the debates in the Assembly, the debates would probably be much more interesting and more informed than they are at present; and we recommend that such officials as are sent up by local Governments should be entitled to do this. But on account of the difficulty of sparing officials from their ordinary administrative work and of securing sufficient non-officials of a suitable nature for nomination, we

consider the third alternative will be necessary, combining the two: there would be a slight decrease in the number of elected members and a slight increase in the nominated members.

39. In your last sentence you have moved from the phrase, "nominated officials," to the phrase, "nominated members"?—Yes. "Nominated members" includes both.

40. I know it does, but that is what I am not clear about. At present the Legislative Assembly consists of a very substantial majority of elected members (104 out of 140); it consists in the second place of a number of nominated private persons, nominated non-officials. In the third place, it consists of a certain number of nominated officials. I can imagine a proposal that you should drop one of those elements altogether, or a proposal to change the proportions between them. I am not quite clear whether you are proposing to drop any one of these three elements?—No.

41. It will continue, as before, to consist of elected members (though by the method of indirect election), nominated non-officials, representing, I suppose, interests which could not expect adequate representation by election, and nominated officials?—Yes.

42. When you say, "nominated officials," I want to know how you propose to secure what you refer to at page 112, and what, again, you refer to on page 111, near the bottom of the page, where you point out, I think, with great force, how the criticism of the Morley-Minto councils might be applied to the later scheme, and then you say: "The alternatives, therefore, are either to go forward and make the Government of India responsible to the Assembly or to strengthen the Government's position sufficiently to enable it to carry all such measures as it considers to be highly desirable, but which could not rightly be certified as essential to the interests of India." That is not quite the phrase of the Act, but I know what you mean. Does that mean you propose to make half the Central Legislature official?—Official and nominated, because although a nominated non-official is not necessarily bound by any means to vote with Government, on the Government side, a great many of them, naturally, would do so; so that our proposal is to reduce the number of elected members and increase the number of nominated officials and nominated non-officials.

43. In other words, it becomes a sort of half-and-half arrangement; half elected and half not?—Yes.

44. I follow what you mean. \* \* \* On page 114, you say you want, and, indeed, you make it a condition, that there should be some statutory safeguard, something which forbids discrimination, and so on. Now, perhaps you will allow me for the moment, instead of asking a question, to make an observation about it, because naturally, one has been thinking about this, as my colleagues have, a great deal, and I want help. I have tried myself to analyse the different possible ways in which such things might, perhaps, be done. No doubt, it is possible to conceive this, that you might have a section which describes the sort of legislation which it would be beyond the powers of the legislature to carry; and if you could devise such a clause, and then it was suggested that a particular piece of legislation went beyond the powers, broke the rule, you could challenge the legislation in the law courts, and contend that the legislation was waste paper. That is a possible way. I will mention one or two other possibilities in a moment, but it seems to me that there are considerable difficulties in the first method, which would have to be very carefully weighed. The first difficulty, and one which, perhaps, presses on my mind more than on you, is this. It is all very well to talk in general terms, but in the long run somebody would have to draw the clause. It turns on words, you see?—Certainly.

45. And nothing is easier than to demand reasonable safeguards, and nothing is more difficult than

to write them down; and that is particularly true in the conditions here, because a great many interests and communities are concerned—the Muhammadans and lots of people. I am not saying for a moment whether their claim is right or wrong, but if you are trying to think how to do it, it seems very difficult to write it down; not, perhaps, impossible, but very difficult. A second difficulty which oppresses my mind very much is this. I think it is a very serious step to open the flood-gates of litigation even wider than they are opened at present. I gather that one-fifth of the revenue of Bengal Presidency is derived from the litigating habit of the people. It is a very serious thing to make it a possible contention in any law court that a particular Bill or Act is *ultra vires*. All sorts of people might raise the question, and though lawyers are very useful members of society, even lawyers sometimes take a thoroughly bad point and argue it for a very long time, and it is possible that judges may differ in opinion. So it seems to me that the method of saying that protection against discrimination and unfair treatment is to be by appeal to the law courts, is not necessarily very satisfactory to the commercial community. Do you see what I mean?—I follow you, yes.

46. I am not saying it may not be the only way; but have you got any other suggestion to make? There are one or two variants that occur to me, but none of them is very satisfactory?—I think we are strongly in favour of an appeal to the court. We consider that any such statutory safeguard can only be of use to us if it is in the Act, and that we cannot rely with confidence on a mere Instrument of Instructions to either Governors or to the Viceroy.

47. I am not surprised to hear you say that; that is the second possible method which occurs to one. Many people have referred to it. We have had dozens of Memoranda which say: "You ought to put into your Report the recommendation that the Instructions to the Governor shall include an instruction that he is to take care that people are not treated unfairly," or that he is to veto legislation to do so-and-so. Well, if I may say so, I quite agree with you. I do not myself think, for what it may be worth, that Instructions to Governors, in the nature of things, would be an entirely effective safeguard. It would not give the person who felt himself aggrieved any effective power to challenge. Now, is there any other method? Is it possible, for example, to visualise this: that there should not be an indiscriminate right of appeal to the courts challenging any Bill which anybody thought he might be able to upset, but it should only be if certain leave is given on the ground that the case does appear to be a case of substantial importance raising a real point, that the courts should be appealed to. Would that method give any help?—We have not considered that alternative, but I do not think we should like it. We are much more inclined to pin our faith to the interpretation of the Act and the conditions of *ultra vires* by a court, because, after all, if it was a question only of obtaining permission from some authority, it might be the Governor, the Governor would be presumably advised by his law officers, and would probably have to accept their recommendations; and law officers have been known to err in giving advice. They might give him wrong advice.

48. I feel that it is in the interests of everybody, if possible, to prevent this sort of challenge being raised, if it has to be raised, except in serious cases.—Yes, we agree with that.

49. And I do not think the method which you sketch out secures that?—Well, if one may be allowed for a moment to refer to what you said about opening the doors to a flood of litigation, I assume that on any one particular Bill or Act, if it became an Act, there could only be one application or one of these proceedings. It could not be continued by innumerable persons.

50. You appreciate, do you not, that if you worked out the scheme on the lines at present

suggested, it would not mean merely that the High Court could take the objection, but it could be taken in any subordinate court in the land?—Oh, that certainly was not in our minds.

51. It is so. If you take the Canadian constitution, where there is a strict distribution of powers, and where, therefore, the question does sometimes arise whether the right legislature has passed the Act, the objection could be taken in a police court, and it has been taken in a police court. One of the best-known cases in Australia was taken, in fact, in a police court; so that it does not mean merely that the High Court would decide. Do you see what I mean?—Yes, I see what you mean.

52. I will tell you what I would like you gentlemen to do, and I am going to invite the next deputation to do the same. After all, you are an important body, and you will not be ruined if you have to take a little good professional advice. I would ask you to let us have, on whatever professional advice you choose to employ, the draft of the sort of clause that you have in mind. Do not leave it by saying that you will leave it to the lawyers; just employ the best men you feel inclined to employ, if you do not feel inclined to do it yourselves, and have a committee meeting and put it down. We would really like to have a clause about this. And I think while you are about it you might do this, if you kindly would. Of course, you should remember that if anything of the kind is proposed, it is not likely to be limited to the European or to the commercial case, so that one wants to see what the scheme is?—We can do that, certainly, if you wish.\* Our idea, condensed, is here—this is not a legal document.

53. Never mind about that.—I will just read it to show you what we had in our minds as a possible clause. It would have to be developed, no doubt: "No tax nor any law or bye-law shall be valid passed" by the Central or provincial legislatures or by any local Government body calculated or designed to "discriminate against any commercial, industrial" or agricultural interest established or to be established in India by subjects of the British Crown "on the ground of the religion, place of birth, descent, or colour of the owners, directors, managing agents, or shareholders of and in the said interests: Provided that this shall not prevent the Indian Legislature from requiring the fulfilment of any conditions in the case of any newly-formed undertaking in receipt of special assistance at the expense of the taxpayer or consumer; and provided further that this shall not prevent the imposition of such protective duties as may be proposed by the Government of India and approved by the Central Legislature: Provided further that the aforesaid restriction shall not apply in the case of subjects of such countries as have adopted discrimination measures on similar grounds against Indians ordinarily resident in those countries."

*The Chairman:* I see. Well, I should think it most unfair to worry you about the small technical drafting points, and I am not doing that at all. I am simply saying on behalf of all of us that we should greatly value the suggestion which you might find it possible to communicate to us as to the form of a clause, and I dare say, if you think well, you would take advice about it, would you? I shall not ask more about it now.

54. *Lord Burnham:* By my own fault, I am certain, I am quite unable to realise in working the scheme of government which is contained in this Memorandum, and, therefore, I dare say Sir George Godfrey, who has had great experience, would, in popular language, give us a picture of the Government he proposes working in the province of Bengal, grouping it under the Governor, the Government, and the Legislative Council. I want to know what the Governor, first of all, would be, and I say that advisedly, because, of course, when he uses the

words, for example, "provincial autonomy," and then proposes the intervention of the Governor-General and the Viceroy, perhaps at every turn and certainly frequently, it seems to me very difficult to interpret; but would he deal with the Government of Bengal and tell us how, under his scheme, it will be fashioned? First of all, what will be the position of the Governor?—Of the Governor of a province?

55. Of the Governor of Bengal under your scheme, or of any province?—The Chambers recommend first of all that the Governor should preside at the Cabinet meetings of his ministers.

56. Without power of overruling them?—Without power of overruling, yes; but he would have the power of vetoing legislation.

57. Would he have the power of voting?—No, not at the Cabinet meetings. He will take part in the discussions and preside, and we anticipate that a man of his experience (whether he is specially selected from Great Britain or whether he is a senior man from one of the All-India Services) will have considerable influence on discussions.

58. He will be rather like an American at the League of Nations; he will be an official observer: Will you develop that? What would his powers be, as compared with his present powers, under your constitution? The power of veto would remain as at present?—Yes, the power of vetoing legislation.

59. It would be as contained in the Government of India Act, the same as now?—The same as now. The Government of India Act, of course, will have to be revised; it will require considerable alteration if our suggested form of government is adopted.

60. What changes would be made with regard to the power and position of the Governor?—The Governor will take no executive action; Law and Order apart, there will be no reserved subjects as at present; they will all be transferred, and, therefore, the Governor will not have the same amount of executive responsibility as he has at the present time.

61. You say with the exception of Law and Order?—I say, putting that on one side, because there is a difference of opinion as to whether that should be reserved or transferred.

62. Of course, if it is reserved, then dyarchy continues as at present, with a few small exceptions?—Yes.

63. Do you recommend that it should be transferred or not?—Police administration?

64. Yes. I am not clear about it. You say there is a division of opinion, but does that mean you do not recommend the transfer?—There is too much difference of opinion in the Association for us to make any recommendation with regard to the transfer of the police, but if that remained a reserved subject, then the Governor would still have some executive responsibility for that department.

65. If it continues to be reserved, the powers of the Governor in respect of Law and Order will remain as at present, is that so?—Practically, yes.

66. On the other hand, if it be transferred, will it be in the hands of a responsible Minister whose powers will be the same as those of other Ministers?—Yes.

67. The Governor would have no greater powers with regard to Law and Order as a transferred subject than in regard to any other?—No.

68. A number of your branches (I do not know whether the majority or not) are content that that should be so?—Yes, that is right, I think. (A member of the deputation) Under normal circumstances.

69. What are abnormal circumstances?—(Sir G. Godfrey) The breakdown of the Government, when the Governor-General would intervene.

70. I was asking about the Governor, not the Governor-General. The Governor would have no power because the Governor-General intervened unless the Governor-General made him his agent for that purpose?—You asked us what would be abnormal circumstances, and my reply is "abnormal" would be when there was a breakdown.

\* See Appendix, page 133.

22 January, 1929.]

ASSOCIATED CHAMBERS OF COMMERCE OF INDIA &amp; CEYLON.

[Continued.]

71. For that purpose you rely entirely on the Governor-General?—On the Governor-General in Council, but naturally he would work through the Governor.

72. He would only work through the Governor if he made the Governor his agent?—The Governor would report the conditions; we are assuming that the Governor is the man who would report that his administration had broken down. The Governor-General would not ascertain that without receiving reports from somebody or other of some sort.

73. Do you contemplate that Ministers should be appointed for a fixed period of years, as is suggested by many bodies, or that they should be at the will of the majority of the Council?—That is a very difficult subject, but the recommendation in our Memorandum is that they would go out on failure to carry anything. They would be responsible to the Council. We say (page 108) "If and when the Ministry loses the confidence of the legislature, and is defeated, the Ministry will resign."

74. Do you consider, having regard to the political history of Bengal, and the changes in other provinces, you could secure a stable Government in this way?—We recognise there will probably be considerable instability, but we have failed to find any safeguard against that.

75. Have you ever considered what the possible duration of Ministries might be? In France, since the Third Republic was set up, it works out at six months—Yes. France is a very remarkable instance, but France still continues to govern itself.

76. Do you give it more than six months here?—No, not at first. (*A member of the Deputation*) Two!

77. Then, coming to the Legislative Council, can you tell me how you think that is going to work? Will there be any official *bloc* in the Legislative Council?—(*Sir G. Godfrey*) No, that will be abolished.

78. How will Government's policy be defended? By the Ministers in the Council?—Yes.

79. You are in favour of a Second Chamber?—Yes.

80. We have not heard much about that. How would you constitute your Second Chamber? I see it in the document, but I thought you might like to describe it in popular language?—We suggested that two-thirds of the Upper Chamber should be elected by the same electorate that elects Members for the Council of State of the Central Government—not by the electorate which is used for the Provincial Councils. The latter is entirely different from the electorate for the Council of State. We suggest the remaining one-third should be persons nominated by the Governor, and our idea there was that they would be drawn from the ranks of notable persons in the province: big landowners, commercial men, chancellors and vice-chancellors of universities, important office-holders, and so on.

81. All the elect. Do you think there would be any difficulty in getting together sufficient men of the required quality and character of a Second Chamber in such a province as this?—No, no difficulty.

82. Would you give the Second Chambers equal powers with the First?—Yes.

83. In matters of finance?—Except in regard to financial subjects.

84. What powers would you give them in regard to finance?—Our idea was that they should have the same powers, except with regard to the initiation of legislation for taxation.

85. But they should have the same powers of amendment and rejection as the Lower House?—Yes. We had not worked it out in detail, but there would be some procedure whereby if there was disagreement between the two Houses, a matter would be referred back, and eventually, if they did not come to terms on referring back, we should recommend a joint conference of the two Houses.

86. How would the Government be represented in the Upper House? Would Ministers sit in the Upper House, or would they have a right to address it?—That is a point we did not discuss, I think, at the

time we drew up the Memorandum, but we think Government would have to be represented by what we might describe as Parliamentary Secretaries appointed for the time being—prominent men who would be asked to represent Government in the House, or even by a Minister if there was one in that House.

87. Am I right in assuming that all your proposals are dependent on the conditions you set out for strengthening the Central Government, and so on?—There are certain main principles set out, but we have not attempted to give details.

88. I am afraid I did not make myself clear. What I mean is this: unless you obtain these guarantees, you are not in favour of the proposals you set out; they are all conditioned by and dependent on these guarantees?—They are all dependent on those broad principles.

89. Mainly the strengthening of the Central Government?—Yes, and Second Chambers in the provinces.

90. Therefore, unless you obtain these new, extended powers you are not in favour of the rest of the changes that are set out?—That is right.

91. *Mr. Harlshorn*: I do not quite understand what the position of the Chambers is on the question of transferring Law and Order. I understood you to say, in reply to Lord Burnham, that there is such division among your members that you cannot make a recommendation on the subject. I do not understand that in the light of your document, because I should have thought if there was a subject on which you made a recommendation it was on the subject of the transfer of Law and Order. You say (page 109): "Some Chambers are averse from any transfer of this subject, but a majority believe that the risk must be taken if any real self-government is to be given to the provinces." Further down, on the same page you say that the majority of Chambers hold the opinion that "The surest way to make those responsible for governing realise the need for an effective and active police force is to make them responsible for the maintenance of order so, that their countrymen will hold them to blame if they fail to secure that safety of person and property to which the citizen is entitled." Still further down, you say: "... if provincial Governments are not to be trusted with that responsibility, the only logical attitude is to say that the time has not yet come for any further advance towards provincial autonomy." On page 108, you say: "The Chambers, therefore, recommend the grant to provinces of constitutions varying up to full responsible autonomy." I do not quite understand how you think that the provinces could be granted any advance unless they are given powers over Law and Order. If you say it is not essential to responsible government that the people should have Law and Order transferred to them, I do not see how it harmonises with your recommendations for the grant of provincial autonomy. Is it a fact that you have changed your views since the document was prepared?—There is no recommendation from the Associated Chambers as a body on the question of the transfer of Law and Order. When it was ascertained, at the table when we discussed this subject, that there was a wide difference of opinion and there were three alternatives, we agreed at that time that we should make no recommendation. On page 109 we have merely set out the different views held by the Chambers. You will see the last sentence of paragraph 1 "Police Administration" reads: "The different views are dealt with in the following paragraphs." With regard to the expression, "logical attitude," that has been used on page 109, it was merely an argument put forward by one side, or one party; it is not an argument put forward by the Associated Chambers as a body.

92. But you have given in your document the view of the majority. I should have thought that if you were giving us the majority view of your

Chambers we could take it to be a recommendation of the Chambers as a body?—We admit that the word, "majority" could be interpreted in the way you have done. But we have used the word in its narrower sense and not in its broader sense. After all, it is a common practice in many bodies not to make a recommendation on a bare majority. In some cases recommendations may be made, though it is a bare majority, but we decided not to make any recommendation.

93. Would I be asking a fair question as to whether this is still the view of the majority of your Chambers?—I am afraid I cannot possibly tell you. (Mr. T. Gavin Jones) There was a very strong minority for not transferring Law and Order.

94. *Sir Arthur Froom*: May I know how many Chambers voted for the transfer and how many against? Was there a poll?—(Sir George Godfrey) There was no record kept. I should be very sorry if I were to attempt to tell you what, probably, was the number on one side or the other. You must remember that there were three propositions before them, so that the number of members were divided into three groups.

95. I am not criticising anyone, but is it not a fact that the Chambers have varying number of votes according to their importance?—Yes, when a matter to be voted upon by the Chambers is put up to an actual poll, then the different Chambers will have different votes.

96. *The Chairman*: I am not asking you to reveal anything, but am asking you just to explain the matter of fact. When you speak of a majority of Chambers (you say that you have 14 in all), do you simply mean that of the 14 the majority took the view, or do you mean that each Chamber counted for something other than one?—The voting was done by show of hands; one Chamber had one vote.

97. *Sir Arthur Froom*: What I want to make clear is whether the Conference has the same feeling or not. I have a strong feeling that this majority was not a majority at all.

*The Chairman*: I certainly understand the document to say that there was a majority.

*The Witness (Mr. H. G. Cocke)*: There was clearly a majority of Chambers, but it may be that four or six of the more important Chambers were not with the majority. And if it were a question of taking votes as prescribed by the rules there might have been a majority. I do not say one way or the other. Possibly, some of the larger and more important Chambers were not with the majority and had voting been on the number of votes allotted to each Chamber, which is on the basis of the number of members, the result might have been different.

98. *The Chairman*: Let us look at page 108 of the document, wherein you give a list of the Chambers, in alphabetical order, which associate themselves with this Memorandum. I am not asking you to say who voted and how, but do I understand correctly that the majority of the Chambers in that list voted in favour of what you have said?—(Sir George Godfrey) Yes.

99. *Mr. Hartshorn*: You say, on page 108: "The Chambers, therefore, recommend the grant to 'provinces of constitutions varying up to full responsible autonomy.' Do you contemplate, under that suggestion, that different stages of advance should be made in the different provinces?—Yes.

100. Some of them should be granted full autonomy?—Yes; some provinces should be granted a fuller measure than others.

101. Have you come to any conclusion as to which of the provinces you think are most ready for the largest measure of advance?—No, because we think that is a matter for the Governments of each province to decide and put their case before the Commission.

102. You think that different measures of Reforms should be granted to different provinces?—Yes.

103. Have you considered the possible effects which your proposal, if adopted, would have on the provinces? Do you not think it is possible that if we

grant a larger measure of Reforms to some provinces than others, there would be a strong feeling on the part of the provinces that were left behind?—I suppose that happens in every case of differentiation.

104. With reference to your proposals on nomination, you suggest that nomination should still be adopted for the purpose of giving to the Depressed Classes adequate representation, and I think you suggest that persons nominated to represent these classes should be taken from their own classes?—As far as possible.

105. Do you think that there ought to be some provision in the Government of India Act imposing that obligation upon the Government in making nominations?—I certainly would not recommend that to start with. We recognise that there are difficulties. I think it should be left to the Governor's discretion.

106. Do you think that there are sufficiently qualified men in these different communities to represent them if they were nominated?—Every possible endeavour should be made to find persons from among their own people rather than having outside people, but, as I said, we recognise that there are difficulties in the way.

107. *Major Atlee*: I should like you to look on page 108. You say: "It is indeed almost impossible to draw any line of demarcation between British and Indian interests in regard to invested capital. . . ." What is the position to-day in India? Is the British and Indian capital co-operating in a majority of industries?—Oh, yes, very much.

108. Has it been comparatively of recent movement?—Oh, no.

109. Has there been acceleration in the movement of Indian capital into British capital in regard to industries?—I should say that there has been a great increase since the war.

110. Are there not some industries that are still almost without Indian capitalist interests?—Do you mean companies with rupee capital?

111. I refer to the companies operating in India?—Those companies that have sterling capital with their headquarters in London have not many Indian investors as shareholders, but other British companies which have rupee capital have a very large number of Indian shareholders.

112. Have Indians invested large capital in British companies?—Some have.

113. Would you say that there is a growing community of interests between the British and Indian capitalists' interests?—Yes.

114. Do you think that this will tend to militate against any dangers of what I think you call unfair discrimination?—It certainly ought to, but we cannot rely on it.

115. What would you say about the effects of the Reforms on trade and industry generally? It is rather a difficult question, because you had the aftermath of the war; you had troubles of various sorts which might have affected the industry. But would you say that the Reforms have or have not adversely affected the trade and industry in this country?—Nothing very appreciable.

116. Turning to a different point, I notice on page 112, you set out a number of instances to illustrate the lack of responsibility on the part of the members of the Assembly. When one looks at these instances the point that strikes one, coming from the British Parliament is that the things you criticise are Parliamentary procedure, rather than a sense of irresponsibility. For instance, take No. 5. The member moved a cut in the Budget Demand. Moving reductions in the grant is a common form in the British Parliament. If I want more money to be given for postal employees, I should move a reduction of £100?—The point there is not that he moved the reduction, but the point is that it is a demand to give higher pay to the subordinate employees of the department at a time when the

department was not paying its way and had not the means to do so.

117. Now, about the second instance. "It is no concern of mine to solve the difficulties which the Government may experience in making two ends meet in case this amendment be accepted by the House." I think that is a very sound constitutional attitude which is always taken by every opposition. Do you like to supplement?—There is a great deal of difference between a Government that has a working majority and can actually pass such measures as are necessary for the good government of the country and a Government which has not got a majority in the council and cannot get measures which are necessary to the country passed. No doubt, there are powers of certification, but our desire is that they should not be used, if possible. Excessive cuts made certification inevitable.

118. That leads up to another point—the difficulty that you have to face at the present moment—that the Reforms have in effect put most of the provincial people in the opposition in the Central Legislature?—That is right.

119. In this document, which is very interesting, you have suggested that you might get over the provincial legislatures by giving responsibility to the people, but at the same time you want to put in a large nominated element in the Central Legislature, so that in effect the tendency will be that the elected members will claim to represent the voice of India and the Central Legislature will be in opposition. Therefore, you will not have any responsibility. There is a tendency in a Nationalist movement to concentrate on the Central Legislature and the minor legislatures, and even local governing bodies are used as fortresses to be captured. Will not there be a danger there by keeping irresponsibility in the Central Government entirely that you will create irresponsibility in your local legislatures?—We think that the provincial legislatures will become much more important than hitherto.

120. Is not there a danger that the party that wants self-government in the Central Legislature will capture all the seats they can in the local legislature and use it merely as a weapon to try and gain their purpose in the Central Legislature?—Yes, and, therefore, it is essential that the Central Government should be strong enough to resist that.

121. The strength not depending on the popular votes?—No.

122. With regard to the Second Chambers, in the document that we have you have not laid down the exact details. In effect you have placed in your Second Chamber all the vested interests—such as land, commerce, and so on?—Yes, intellect, too, we hope.

123. Is not there a danger there, if you put all the vested interests in the Upper House? Your object is to create a strong Labour party in the Lower House?—We have not attempted to name the number. We do not want too big a number. We want the Upper House to be a small, compact body and the idea of the nominations there is that many useful men in all departments would be prepared to serve in the Upper House if nominated and we should have very valuable workers there who would not be prepared to contest seats at a general election.

124. You propose joint sitting in the case of trouble between the two Chambers?—Yes, if they are unable to agree.

125. Therefore in effect the Lower House will be more or less at the mercy of the Upper House unless they can have such a big majority in the Lower House that they can vote down the Upper House plus the Opposition in the Lower House?—I do not think the Upper House will take an unreasonable view. It will not be quite the same thing as the Lower House in regard to parties. They are much more likely to take a reasonable view, and will not obstruct measures which are necessary and advis-

able. It is difficult to visualise any distinct party system in India for many years to come.

126. Is not there a great disinclination in the Legislative Councils to impose the necessary taxation if needed?—Very strong, yes.

127. And that is stronger among people, I think, who have got a lot of money than those who have got nothing?—Yes.

128. Do you think the Upper House will be averse to put on taxation? Take, for instance, the landowners under the Permanent Settlement of Bengal. Will there not be rather strong opposition to any attempt to put some form of taxation on their unearned increment?—Amongst their own class, certainly.

129. And they are going to form a good part of your Upper House, are not they?—Some of them, certainly.

130. *Colonel Lane-Fox*: You have suggested the grant to provinces of constitutions varying up to full responsible autonomy. But you have not suggested the machinery?—We regard that as a matter for the Commission to consider.

131. You have suggested it without realising how you are to carry it out?—We cannot carry it out.

132. You recommend a constitution of varying degree. That means you start with a certain amount of information. Whom do you recommend as the authority, and on what grounds?—You mean who is going to make the grant, or who is going to recommend the method?

133. Supposing we recommend some period for you to come up, who would be the authority to deal with that?—The British Parliament.

134. On what grounds? On whose recommendations?—On the recommendations of the Governor-General.

*The Chairman*: I have understood the use of the word "varying" to mean that you thought it was possible that under the present Reforms there might be a more complete advance to provincial autonomy say in one province than in another. Then the question arises, how is the one behind to get up to the other? If you deal with that it might be either because the Constitution makes a provision for that, or it might by the expression of view by some higher authority later on. I do not think they mean that there is to be, in the case of one province, a variation from time to time. They are thinking rather whether all are going to start at the same level now.

135. *Colonel Lane-Fox*: You mention as one of your chief safeguards the Second Chamber. But is it not that rather an illusory safeguard in many cases? How is it a safeguard when you transfer all subjects? Supposing you give charge of Police to a Minister, and he administers it as between his community and another, or something of that sort, how is the Second Chamber going to help you?—It is mainly for the purposes of legislation.

136. *Lord Strathcona*: On the point of Law and Order, would it be a fair summary of your position to say that your Association do not contemplate the transfer of Law and Order unless the five safeguards mentioned on page 108 form part of the new Constitution?—Yes.

137. On page 108 you have stated about dyarchy. I wonder if it is fair to ask you, Sir George, whether it is your opinion that possibly the period of ten years has been rather too short to give a fair test to diarchy?—In my opinion, I think that dyarchy as introduced is such an impossible form of government altogether that it would be difficult to say whether ten years is too short or too long. Personally, I think it is too long.

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139. Just one question on Services, page 110. Do you think that if your proposals were accepted and embodied in the New Government of India Act, there would be something in the nature of a quick withdrawal of the British element, and do you think that the Services would be affected to such an extent

that there will be rather a rapid withdrawal of the British element?—There is certainly a belief that there would be a very strong tendency to withdraw from the Services.

140. But I gather that the view of the Associated Chambers is that they appear to face that, and as they say on page 110 they are not opposed to Indianisation provided that it does not involve a decline in efficiency or an injustice to Europeans and Anglo-Indians. Your main point is that you want to ensure efficiency in Services and no injustice to those who are in service?—Yes.

141. On page 115, you refer to the Federation of India, and you include the Indian States in it. Have the Chambers of Commerce at their disposal any information as to how any such proposal would be regarded by the Indian States?—No, we have not any reliable information.

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144. *Lord Strathcona*: You say in the last paragraph on page 116, "Therefore they conclude this" note with a strong expression of opinion that," and so on. Could you tell us a little more precisely what you mean by that paragraph? Perhaps I may put it in this way. Does that paragraph mean that if the new Constitution is met with obstruction and non-co-operation in India, the Chambers would make a recommendation that the new Constitution should not be proceeded with?—Yes.

145. *Mr. Cadogan*: I want a little more light thrown on your recommendation for the transfer to a Ministry responsible to the Provincial Legislature of all subjects. You also say that the official nominated members should be withdrawn. I do not quite see how ministerial responsibility is feasible without a party system. I postulate that the remaining reserved subjects should be transferred. Take the case of the Minister responsible for the development of Law and Order as it is called. He would be without the support of the official *bloc*. He has no party at his back, and yet you make him responsible to the legislature. I understood you to say in answer to Lord Burnham when he suggested that the Ministry might be constantly falling that you do not contemplate that situation with any great misgivings. But would you have some suggestion on the lines that the Ministry would be given some security of tenure during the life-time of the Council? Would that conflict too much with the theory of ministerial responsibility?—We discussed that fully, and we were quite frankly frightened of giving fixity of tenure to Ministers, because there might be Ministers entirely unsatisfactory, and we thought it very much safer in spite of the probability of instability that we should make them responsible to the legislature.

146. Cannot you be equally frank of the situation of the ministry being constantly threatened with defeat? Is not that equally a dangerous situation?—We recognise that it is probable and there are very great disadvantages, indeed. But we consider this better than giving them a fixed tenure.

147. You are looking forward to a party system being valuable in the provincial legislatures?—Yes, party system may be evolved eventually.

148. *Sir Abdelherim Ghaznavi*: You were telling us a short while ago that you contemplate the conditions at present prevailing in India and think that there will be always an Opposition in the Council. That means that there is always a party completely opposed to Government and the carrying on of government? Is that your idea?—That is so.

149. Do you also mean to tell us what your idea is, whether that party will be a very strong party and whether that party is likely to be the major party?—The party in opposition?

150. Yes; it is generally opposed to Government. In that case how do you reconcile that with your suggestion that the Governor should have no powers of certification, no power of vetoing, and things of that kind? If the Governor has no powers of

certification, how do you propose things should be carried on?—We do not contemplate that the party or group of parties which produce ministers for working in a Cabinet will be in a minority. Opposition may come from one party or two parties or parts of parties; but we anticipate that the ministers will carry a working majority in the House, and if they carry a working majority in the House the Finance Bill and other proposals they put forward will be passed through the House. We hope that the conditions of provincial autonomy will remove the idea at present existing in the provincial councils that everybody except an official is to be in opposition. We hope that will disappear.

151. That is why you recommend full provincial autonomy? And you visualise a state of affairs in which the Governor will have no powers of certification and no powers of veto, but at the same time has to preside over the Cabinet merely as a figurehead. Is that the idea?—No, we do not want him to be a figurehead, merely attending garden parties and giving champagne dinners. We want him to have a very great influence. We recommend he should retain the veto.

152. Tell us, what powers do you want to give him? In answer to certain questions put to you by the Chairman and members of the Commission, I do not think you were quite clear as to what powers you intend the Governor should have?—It shows the difficulty of expecting us to be thoroughly conversant with all the details of the rules connected with the Governor's powers as they are at present; but the way we understand it is that over transferred subjects the Governor at the present time has very little executive or directive power, but he still sits with his Ministers—please correct me if I am wrong—I believe he now sits with his Council and Ministers—and we think that he should continue to sit with his Cabinet, and his powers will be more or less what they are now in regard to transferred subjects.

153. Will it surprise you to know that the Governor has at present very large powers even with regard to transferred subjects?—You mean in regard to certification, in case there is a necessity.

154. In the working of the transferred departments. On the question of Law and Order, I just want to make clear this point. I will not endeavour to enter into the question whether a majority of the Chambers or a minority of the Chambers hold the view, but there is a view that Law and Order should be transferred, and there is a view that Law and Order should not be transferred. Now, supposing Law and Order is transferred, as regards the safeguards, would you suggest beyond what you were just telling us, that the safeguards should be all centred in the Governor-General, any other safeguard?—That has exactly been our difficulty. We have been working on this question of Police administration. It is certainly one of the main difficulties.

155. Do you also recognise that as things are at present in India there is a lot of communal feeling and that members of one community, unfortunately, do not trust the members of the other community in case of riots and disorders and things of that kind? I may also remind you that in the last Calcutta riots cases occurred when the Police officers were asked to conduct enquiries through non-Indians. Having regard to that, you still think that Law and Order should be transferred?—The Association has not recommended that Police administration should be transferred.

156. Then you are throwing a different light. You do not actually recommend the transfer of the Police?—No.

157. Then, what is your definition of Law and Order? If that does not include Police, what does it include?—Law and Order does include Police. I think it has been discussed, but we as an Association have not recommended that Law and Order or the Police administration should be described as transferred subject.

158. That is why I made my question quite clear.



It is not my intention to go into the question whether the Chambers as a body recommended the transfer of Law and Order. My position was this. From your Memorandum it was quite transparent that certainly a certain section recommended the transfer, and perhaps another section did not. My question is based on the suggestion of that section which did recommend the transfer, and having regard that I asked you a series of questions enquiring whether you thought that when that section recommended the transfer of Law and Order they had taken into consideration the question of the prevalent communal feeling?—Certainly they did.

159. And in spite of that they thought that Police might be transferred?—Yes, always subject to the safeguards which they were unable to enumerate or specify in detail.

160. Then you go on to say that you recommend the withdrawal of all official and non-official members from the provincial legislatures. Is that so?—The *bloc* of officials.

161. And not non-officials?—Not the nominated non-officials.

162. You still want to retain them?—Yes.

163. I now come to another point. You seem to be rather strong in your recommendation about what is known as indirect election for the Assembly. At the same time you do not quite tell us clearly what your ideas are as regards the direct or indirect election to the provincial Councils. What is your view? Do you recommend indirect election for the local legislatures, or do you not?—No. Direct election.

164. Have you considered the effect of a proposal like this? I take it from a perusal of your Memorandum that the reason why you recommend indirect election to the Assembly is that you think that members there do not really possess that representative character which you want they should have, and, therefore, you recommend that these members should be returned by the local councils, that is to say, you want men who really can remain in touch with the constituencies and who are really true representatives. If that is the point, why should you recommend indirect election to one and direct election to the other? It might be clear if I just give an illustration. Are you aware that the Upper India Chamber of Commerce in their evidence before the Conference very strongly advocated indirect election even to the provincial Councils, and recommend what is known as electoral colleges?

*The Chairman:* We know, of course, that there was a recommendation made in favour of indirect election, which you have referred to. Now, let me ask, what is the question you want to put. You do not want to go through the history of the thing?

165. *Sir Abdelkerim Ghuznavi:* I want to know whether they also support the scheme put forward by the Upper India Chamber of Commerce in regard to the electoral colleges?—I think we have got it down in our Memorandum. You will find it at the bottom of page 112 and the top of page 113.

166. What is the idea in supporting indirect election to the Assembly and not the provincial Councils?—We hope that the standard of members for the Assembly would be improved by being elected by the indirect method, by the provincial legislatures. Our arguments with regard to provincial councils are set out on page 113: "... and the Chambers have given anxious consideration to the question whether to recommend that a return should be made to the Minto-Morley system under which provincial Councils were elected by local bodies. A majority of the Chambers, however, are opposed to making any such recommendation, for the problems dealt with in the councils are more nearly within the grasp of electors, and allowing for the spread of general and political education, it may be expected that the electors will in the future be able to form more intelligent opinions on the questions raised at provincial elections. They also doubt the

"political expediency of depriving these electors of powers and rights they already possess."

167. Might I just go back to that vexed question of the transfer of Law and Order. It is a fact that some of you have recommended that? Now, supposing Law and Order was put in charge of a responsible minister, and at the same time that minister had a board consisting of, say, a European, a Muhammadan, and a Hindu, to advise him, would that meet your objection? Supposing there was a statutory board like that?—It is rather difficult for us to give an opinion on that point, because it is a question arising out of what we have not recommended, but I think our feeling would certainly be that it would be an impracticable proposition.

168. As regards your recommendation as to separate communal electorates, do you consider that the pledge given as regards communal representation by the British Government should be fully honoured both in letter and in spirit?

*The Chairman:* I think we can assume that. You are quoting the Memorandum on that point.

169. *Sir Abdelkerim Ghuznavi:* I am asking this because there seems to be a conflict of opinion amongst the Chambers on certain points. Therefore, I thought I had better make sure of that point at any rate. You quite agree with that, or is there any difference?—We all agree.

170. Do you consider that the only form of government suitable to Indian conditions is the federal system with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of All-India interest as may be specifically entrusted to it by the Constitution?—I think you are asking for an opinion, which I really am not in a position to give you on behalf of the Association; but we have referred to the danger of excessive decentralisation.

171. You have raised it in your memorandum. I merely put things in a different language. The idea is there. You talk of federal system?—If I may say so, for the moment, we have felt throughout that we are working on the declaration of August 20, 1917, and then we have gone on to state what we are prepared to support or recommend, subject to certain safeguards or conditions, but if you ask an individual his personal opinion as to whether a particular form of government very much modelled on the West is suitable to India or not, that makes it entirely different.

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174. *Mr. Travers:* In dealing with the position which your report would bring about, you say that the Governor would take the chair at meetings of the ministers and would in some degree be in the position of the Prime Minister. Do you not think that in taking the chair at meetings of the ministers and assuming some of the duties that are usually performed by a Prime Minister, the position would quickly become impossible?—No; not at all.

175. You think that he could do it without having the powers of the Prime Minister, and that he could yet take the chair at meetings without making his position at all invidious?—Yes.

176. The Governor, of course, sits as representing His Majesty in the provinces. Do you not think that it would really be better if you kept him apart from all such questions of politics that the ministry might discuss?—Then he becomes merely a figure-head with little influence.

177. One more question I want to ask you, Sir George. You yourself have been a member of the Bengal Legislative Council, and many of your deputation have also been members of provincial Councils. In regard to the Budget, there are certain items which come before the council dealing with His Excellency the Governor's staff and his household which, in our view, raise discussions of a very undesirable nature. Do the Associated Chambers think that it is desirable for all such items to be removed from the Budget to a civil list?—I am



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[Continued.]

bound to say that we did not consider that point, but I think individual opinions would certainly be strongly in favour of it.

178. I have one question to ask about the Services. You say in one of your paragraphs (page 110): "it is generally recognised that the withdrawal of the bulk of the British element would jeopardise the success of any Indian constitution." You say, in another place (page 110): "The Associated Chambers desire to point out that they are not opposed to Indianisation provided that it does not involve a decline in efficiency." It seems to me that those two paragraphs are contradictory, unless you specify a proportion. Are the Associated Chambers disposed to recommend a proportion of the Services that should be retained?—We do not want, certainly, to go beyond the Lee Commission's recommendations with regard to proportion.

179. *Sir Arthur Froom*: With regard to your proposal that the Governor should select a Cabinet from the members of the Council who can control a majority, do you mean to convey by that that all the members of the Cabinet should be selected from one party?—No; we expect the Cabinet to be selected from different parties.

180. In fact, you will establish a communal Cabinet, will you?—It might be what is called a Coalition Cabinet.

181. Then do you think that Cabinet will last five minutes?—Why not? One party will have no chance of standing by itself.

182. My question was, do you support the idea of a mixed communal Cabinet being set up?—It will have to be.

183. One question as to what will constitute a breakdown of Government. Would you visualise that supposing a Provincial Legislature passes some measure which the Government might think is wholly against the interest of the Province, the Governor-General should step in and call upon the Governor to take up the administration himself?—It will be rather difficult to describe it; but assuming that the Governor after various efforts finds that it is quite impossible to retain a Ministry which could carry anything through the House, he would naturally have to disperse the Provincial Council and discharge the Ministry. There would be a breakdown and you would have to make provision for taking over the administration. Another instance might be the passing or attempt to pass some legislation or take some action which is entirely unconstitutional and which causes an impossible position. In such cases the Governor might have to report to the Governor-General requiring his assistance, and asking him to exercise his emergency powers, and the Governor-General would declare a breakdown.

184. At any rate the Governor would be the authority to bring such cases to the notice of the Governor-General?—Yes; we certainly assume that the Governor would advise the Governor-General.

185. As regards safeguards, during our tour we heard in one province the question of statutory safeguards from one community and certain other safeguards from another community. So, I take it that any action sought to be inserted in the Government of India Act would be for all minority communities. Will you support that view?—Yes, certainly.

186. Then about the question of finance. Has the Associated Chambers of Commerce examined the question of finance at all? Are you prepared to give evidence on that question?—The interests of the Associated Chambers are spread throughout all India. We could not speak about finance on behalf of one province or of another province.

187. During the course of our travels, we heard a suggestion that there might be a dynamic Constitution. I do not know if you understand what a dynamic Constitution is. But so far as I understand it, it is a Constitution that within itself would suggest that a time will come to further advancement without

any reference to another Royal Commission. Will you support that idea that it could be done without reference to the Parliament?—No; I think, certainly, the Associated Chambers would not desire to see a fixed time set, and then a Royal Commission. We do not desire another Royal Commission, but we cannot contemplate that either the Provincial Governments or the Central Government can have any latent power in themselves to produce such advance. Such a thing must come from the British Parliament.

188. I have only one more question. It is a question which, to my mind, is rather complicated; perhaps you might be able to clear it up. It is this. As each department becomes transferred, the recruitment to that department becomes provincialised, and, so far as I have been able to understand it—I think my colleagues hold their own views in the matter—the effect of it is to reduce the element of the All-India Services in certain departments. For instance, take the case of the Education Department, and the Forest Department; and as regards Law and Order, it might have a repercussion in that department also. Have you any suggestion to make, or do you suggest that there should be some legislation or rules laid down that even in transferred departments in the provinces there should be a proportion, following the recommendations of the Lee Commission, of the All-India Services, although such departments have been made provincial?—I think your point is really based on the system of transferred departments under the present Devolution Rules. But the Devolution Rules were issued under the existing Government of India Act. Whatever form the future Constitution may take, it must come under the new Government of India Act, and necessarily it will follow that there will be a new set of Devolution Rules. It is necessary that those Devolution Rules should provide that some proportion or some substantial extent of the British element in some form should be retained in the Services.

189. By "British element," do you mean that the Britishers should come in through the provincial service examination, or do you wish to preserve the All-India Services? This is the important point.—They would come in through the present form of recruitments for the All-India Services.

190. A certain number of them should be allotted to serve in those departments; is that your idea?—Yes.

191. *Mr. Kikabhai Premchand*: On page 108 of your Memorandum, you speak about autonomy of the provinces, and you insist on strengthening the position of the Government of India *vis-à-vis* the Assembly. Since the Government of India already control almost all nation-building departments, such as commerce, finance and currency, and industrial legislation, can you contend that your suggestion, if carried out, will result in any advance to the people in controlling their destinies from the country's economic point of view?—It seems to me that all the progress that has been made in what might be described as nation-building works, such as irrigation works, agricultural improvements and legislation to endeavour to build up similar progress in other directions has been carried out since the British occupation. It is due to the British occupation, and under the British occupation the progress is still being maintained. I do not see what more rapid advance you can expect beyond that.

192. If no measure of control over any of these departments is given to Indians, do you think they will remain content?—Are you speaking of the Provincial Government or the Central Government?

193. I am talking of the Central Government.—We hope that much importance will attach to working in the provinces, and that able intellectual Indians, who are really anxious to improve conditions and go ahead, will work in the provinces rather than go up to the Central Legislature.

194. Can you suggest any means of strengthening the Assembly whereby you could also recommend

the transfer of some control to the Assembly?—Not now. We feel that it might come up at some later stage.

195. Even if you raise the franchise for the Assembly, you would not do that?—No.

196. I will take you next to page 110. There you say that your Chambers "are not opposed to" Indianisation provided that it does not involve a "decline in efficiency or an injustice to Europeans" and Anglo-Indians." What prompts you to suppose that Indianisation of the Services must necessarily entail inefficiency, and injustice to the Europeans or Anglo-Indians?—That really means cases where the tendency might be in a province to promote and push on Indian officers in the Services to the detriment of British officers. There is a well-known reference to the Central Provinces administration which came out in the Reforms Enquiry Committee's report that the Governor had to overrule a minister because the minister paid special attention to giving promotion to the Indian members of the Service irrespective of claims or seniority on the ground that it was necessary to give Indians opportunities for training. The Governor refused to accept those recommendations and said that transfers and promotions should be made irrespective of the race of individual members.

197. *The Chairman*: I am not clear whether in the constitution that you propose there will be a right of appeal to the Governor or not?—Every Government servant has the power of appeal to the Governor, and it goes up to the Governor-General, and in the case of All-India Services it goes up to the Secretary of State.

198. *Mr. Kikabhai Premchand*: In your opinion is there any real foundation for the allegation made in certain quarters that Indians are unfairly treated where their interests conflict with those of Europeans?—No; we know of cases the opposite way.

199. Could you quote some?—There was a well-known case of a member of the Educational Service in the United Provinces during the time of Sir William Marris, when twenty-two officers of the Service were passed over in favour of an Indian, and an appeal was made. The appeal went up to the Governor and to the Governor-General and ultimately to the Secretary of State, and it took two years to get that set right.

200. I take you to page 114, wherein you have made a reference to statutory safeguards against legislation discriminating against British Commerce. Although logical reasons may be put forward, nevertheless the Government of India were compelled, probably under Manchester pressure, to handicap the cotton industry in India by the imposition of an excise duty on cotton manufactured, for a period of thirty years. In view of this, what grounds of complaint can you put forward in the event of Indians refusing to accord any more guarantees beyond those extended to British people in other dominions of the Empire?—

I think you are referring to the excise duty, but Europeans in India never supported that. We are not defending it in any way; we are opposed to it.

201. *Mr. Kikabhai Premchand*: What I say is in view of that, can you put forward any complaint if Indians refuse to accord any more guarantees than those extended to British people in other dominions of the Empire?

*Lord Burnham*: May I ask what are the guarantees accorded to British people in other dominions?

*Mr. Kikabhai Premchand*: If there are no guarantees, then there should also be no guarantee given by India.

202. *Lord Burnham*: What sort of guarantee?

*Mr. Kikabhai Premchand*: Here they ask for statutory safeguards; that is some sort of guarantee.

*The Chairman*: I think the question can be put in this way, "Why do you want statutory safeguards?"

203. *Mr. Kikabhai Premchand*: Is it not that India being a part of the Empire it would be desirable for India to accept the principle of Imperial preference?—Yes.

204. And the Dominions have got Imperial preference, and that is why there is no statutory safeguard or anything given by the Dominions. I hope you would not mind according the same thing to India?

*The Chairman*: Forgive me for my interruption. I am sure, though unintentionally, you are on quite a different point. It is quite plain what these gentlemen want (whether they are wise or unwise) when they ask for statutory safeguards. That has nothing to do in the world with Imperial preference; it has to do with limiting the power of Indian legislatures to pass particular kinds of legislation which they think would discriminate unfairly against them.

205. *Mr. Kikabhai Premchand*: Has the extreme political agitation in India harmed India's credit in the financial world at all?—I think it certainly has a tendency to restrict the investment of funds in India.

206. Has it not adversely affected financial credit?—Yes.

207. I take you to the top of page 116. In your statement you touch on education, poverty and illiteracy of the masses and appeal to the sense of humanity of the British Government to resume their hold upon India. On the same basis of humanity, do not these conditions, after one hundred and seventy-five years of British rule, substantiate the appeal of the Indian public for progressive Dominion status in order that an attempt may be made for improvement?—We do not say that there is not very much room for more improvement. But we say that the improvements are all due to the British occupation. We cannot see that there can be a more rapid improvement if Dominion status is granted.

### Afternoon.

(MAULVI ABUL KASEM WAS PRESENT DURING THE AFTERNOON SESSION.)

### Deputation from the Associated Chambers of Commerce of India and Ceylon —CONTINUED.

1. *Raja Nawab Ali Khan*: Is it the view of your Association that the Council of State which is a revising Chamber does not exercise moderating influence over the Legislative Assembly?—(*Sir George Godfrey*) It does.

2. In that case, where is the need for reducing the number of elected members in the Legislative

Assembly?—We look to the Assembly to act as a really important body and that it should not be necessary to rely on the Council of State for moderating as now.

3. *The Chairman*: The position seems to be that while the Council of State will be able to moderate in the sense of refusing to pass something which the

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[Continued.]

Legislative Assembly has passed, it cannot have the opposite operation of securing passage of something which the other House has not passed.

*Sir Hari Singh Gour* : It does pass, for instance by certification. The Princes Protection Bill which was thrown out by the Legislative Assembly was certified by the Governor-General and sent to the other House where it was passed. You will find the provision in the standing orders.

4. *Raja Nawab Ali Khan* : And the cut in the Salt Tax was restored by the Council of State?—The Salt Tax was part of the Finance Bill.

\* \* \* \* \*

8. *Sir Hari Singh Gour* : The next thing you want to do is that you group the Ministries. You want to have the Ministries representing the various groups, and then you want a general control over all subjects?—On all central subjects, and general control over the provinces in regard to the passing of Acts, and so on.

9. That means you want a larger control of the Central Government over the provinces?—I would not put it in that way. I do not say we want larger control. We want a final authority on legislation.

10. I will give you an example. The scheme of the Government of India Act is that the final control is now with the Secretary of State, who has got the power of superintendence, direction and control over the Governor-General in Council, and in the same words and in the same terms and to the same extent the Governor-General in Council has the power of superintendence, direction and control over the province, modified to the extent that in the domain of transferred subjects that control is limited. You would give the Central Government an unqualified control in future, or would you limit that control to subjects which are not directly transferred, and if they are all transferred according to your scheme, then would you qualify this control to that extent?—I would limit it to the extent that the control would be in the nature of the control now exercised over the transferred subjects.

11. At present the Local Governments have got control over the judges, except those of the Calcutta High Court. You want to centralise all the High Courts and transfer their control to the Central Government?—Yes.

12. You want further the centralisation of the major ports?—Yes.

13. Lastly, in answer to Sir Arthur Froom, you said you want continuance of the British element in the Services to be safeguarded in spite of the grant of provincial autonomy, and thus you go behind the Lee Commission's recommendations to that extent. The cumulative effect of all these proposals, do you think, will be an advance upon the present form of diarchical government?—Yes, a great advance.

14. You think that a large section, or even a small section, of the intelligentsia of the country will touch this Government constituted under your scheme?—I think so.

15. Do you call this a full measure of responsible government as you call it in the last paragraph on the last page of your Memorandum? You say there, "Therefore they conclude this note with a strong expression of opinion that if the full measure of responsibility for provincial government which they have recommended is granted," and so on. That is to say, your strong expression of opinion is that the provinces get a full measure of responsibility?—The full measure which the Chambers have recommended. They do not say that it is an absolutely full measure. The definite expression is "the full measure which they have recommended."

\* \* \* \* \*

18. On page 110 you say "While desirous of making recommendations of so liberal a character as to meet all legitimate aspirations." You regard this new Provincial Government which you have suggested to be a liberal measure of reform which will

satisfy all legitimate Indian aspirations? You say on page 108 that the Association is composed of members predominantly European, but includes also Indians. How many Indian members does it include?—The members of the Associated Chambers of Commerce are Chambers. Therefore I cannot say that there are any individual Indian members in the Associated Chambers.

*Sir Hari Singh Gour* : This Memorandum is exclusively prepared by European members?

19. *The Chairman* : I do not think that is my understanding. I dare say the arrangement is more familiar to me. The Associated Chambers of Commerce are an association of Chambers, not of individuals, but of Chambers. The constitution of the individual Chambers, of course, can be ascertained by enquiry in each case. For instance, there is Mr. Gavin Jones, who represents the Upper India Chamber of Commerce. Are there Indian members in that Chamber, Mr. Gavin Jones?—(Mr. Gavin Jones) Yes.

*The Chairman* : So it is not quite correct to say that the Memorandum is prepared by nobody but Europeans. It is presented by an Association of Chambers and some individual Chambers contain some Indians.

20. *Sir Hari Singh Gour* : Were any Indians consulted in connection with your scheme?—(Sir George Godfrey) They were.

21. And they were in agreement with you?—Yes. There was an Indian at the actual final meeting.

22. Seeing that this affects the people of India much more than it does the European interests, because it deals with the constitution of India, did you not consider it advisable that in urging the changes which you recommend you might take one or two Indians as part of your present deputation, so that they might speak in support of your views?—That was not considered. There were two Indians present at the meeting when the present deputation was selected.

23. You want a strong Central Government, and your whole scheme is that the will of the executive should prevail, that is the Central Government?—Yes.

24. In order to achieve that purpose you want to increase the nominations and reduce the elected element? If you want that, the will of the executive should prevail, why do you want the legislature at all in the Central Government?—(Mr. Gavin Jones) In an advisory capacity. (Sir George Godfrey) Because I think it will not be compatible with the idea of gradually training up India towards Dominion Rule as has been so often declared.

25. It is just to comply with the prevailing desire that you set up a constitution in the Central Government of the nature you have described. You have yourself quoted at page 111 of your Memorandum that "Responsibility for the administration remains undivided, with the result that while the Governments found themselves far more exposed to questions and criticisms than hitherto, questions and criticisms were uninformed by a real sense of responsibility such as comes from the prospect of having to assume office in turn." Now, what prospect of having to assume office in turn do you give to these people in the Central Legislature when you have placed them in a position of utter helplessness vis-à-vis the Executive Government?—We expect the time will come when they will not be in that position.

26. How long will it take for that time to come?—I could not possibly say that.

\* \* \* \* \*

28. I suppose it is with the object of strengthening the Central Government that you have recommended the substitution of indirect for direct election to the Central Legislature?—No, that is not the view. That is not the main object. The main object was to try and obtain for the Central Legislature members who would be more responsible.

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29. Do you not foresee that if the members of the Central Legislature are merely representatives of the provincial legislatures the public at large will organise their forces to capture the central citadel by sending in very large numbers, in fact almost to a man, men from a smaller body of the provincial councils which they will capture, and the result of that would be that there would be a deadlock in the provinces, and the executive government will have nothing to intervene with?—I think whatever system is devised or thought of there may be deadlocks and difficulties.

30. No, but the difficulty is before us. From 1921 down to to-day a very strong party has grown up in the country crying for more, and saying that the Reforms that have been given are either insufficient or illusory. When you embark upon this new scheme of Reforms and strengthen the provincial Governments would not there be a very strong lever to destroy the very foundation of what little there is of responsible government in the country?—No, we do not think so at all.

31. Now, you do not admit that dyarchy has succeeded?—No.

32. Therefore the transition from the state of the present diarchy is to full autonomy? There is no half-way house?—I cannot admit that, No.

34. Now, as regards the statutory guarantees, I have the very greatest difficulty of understanding the point of view of your Chambers. You say on page 115, towards the end of the third paragraph, that "The Chambers confine themselves to asking for 'national treatment' only for industries and 'commerce established in India, whether registered 'there or not.' Now, it does not matter to whom these industries belong, is it not so? The Chambers confine themselves to asking for national treatment for all industries and commerce established in India, wherever registered, whether registered in Japan or San Francisco?—Yes.

35. Now, can you show me any country in the world that flings open its doors to uninterrupted development of commerce by all nations of the world without protecting its own commerce or making safeguards for the development of its own industries? And you want it to be embodied in the Statute?—Yes, that is right.

36. As a limit upon the power of the Indian legislature to legislate?—Industries that have been established and are actually in existence should not be interfered with. You will agree with that? We want to protect them so that they may be carried on.

37. I am quite clear that you want to protect, but there is a limit beyond which protection cannot be given?—Protection from undue and unfair interference.

38. Who will be the judge of that?—We want it to be a statutory provision.

39. Who is going to be the judge of whether it is unfair or undue interference?—Our contention is that the aggrieved party should be able to apply to the court to say that such and such a measure is *ultra vires*, outside the Constitution.

The Chairman: Sir Hari Singh Gour, do you think that my suggestion would perhaps bear fruit for the benefit of your question as well as others? If these gentlemen are going to be good enough to send in their definite suggestion I would not mind reserving my judgment about it until we have seen it. It is a suggestion that occurs to me.

40. Sir Hari Singh Gour: I will just conclude. You are aware that in the British Dominions like South Africa and Australia there are Acts limiting the rights of Indians, and you are further aware that following upon the decision of the Imperial Conference the Indian Legislature passed an Act dealing with the law of reciprocity. Now, if any statutory guarantee is given the effect of that would be that while the Dominions will be able to hit India, India will not be able to hit back at all, and yet the Imperial

Conference has unanimously decided that India has that undoubted right?—We have definitely provided for that in our recommendations.

41. I mention these facts so that your legal advisers may advise you on this subject.—We distinctly say that the Chambers feel that this should only apply in the case of countries which do not discriminate against India.

42. That makes your case worse, not better. You are incorporated bodies and your shares are sold, and freely sold, on the stock exchange. You cannot make a rule that your shares shall not be held by, we will say, a South African or a New Zealander or an Australian. Consequently the new reformed Indian Government desiring to reciprocate against these people would attack you because you have got those shareholders?—But I take it that in regard to shareholding in public companies the Government has no moral right to interfere.

43. Lord Burnham: There are restrictions in some cases.—There may be for special purposes, but it is a thing that should be avoided if possible.

44. Sir Hari Singh Gour: Of course that is a matter for the consideration of the Government in this country. If we were to make a law preventing you from selling your shares to anybody who is not a pure Indian or a domiciled British Indian or, it may be, a Britisher, that would hit your trade very hard, because the value of your shares will go down?—That would not affect the companies. It would affect the Indian who bought shares and wanted to sell them.

45. The exchange value of the shares will go down?—The shares going down does not affect the financial stability of a company.

46. No, but I do not suppose you will be able to get debentures at that low rate which you would otherwise have, if you had your shares standing at a premium. You see that the question is a complicated question, and I do not think the Associated Chambers have considered the various aspects of it.—We discussed it a great deal.

47. Sir Hari Singh Gour: \* \* \* I understand you want the Viceroy's executive council to continue?—Yes.

48. What is your view about the recruitment of members of the executive council from amongst the elected members of the two Houses of the legislature?—We should have no objection whatever to elected members of the Central Legislatures being on the council, but we would certainly not be in favour of restricting the selection to the legislature. The Governor-General must be in a position to select his own councillors.

49. Then you go back again to the objection which I have pointed out, in the Montagu-Chelmsford report, that you do not give the remotest chance to the members of the legislature ever to have any prospect of having to assume office in any shape or form?—Not for the time being, certainly. But there is no reason why an elected member of the legislature should not be a person selected by the Viceroy. I think you will agree that the personnel of the council is a matter of very great importance, and that the best men should be selected.

50. But ask your members in the legislative council what they think of the personnel, and they will tell you what they think about it. Now, as regards the constitution of the Council of State, would you keep the Council of State as it is, or would you stiffen its constitution so as to give the executive a considerable voice?—No, we make no suggestions for altering the Council of State.

51. You want to continue the Council of State as it is and reduce only the elected members of the Assembly, to which you want indirect elections?—Yes.

52. And in the provinces you have pointed out that the ministers will be in the Lower House?—Yes.

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[Continued.]

53. And they will be responsible to the Lower House?—Yes.

54. And if the Lower House having an elected majority turns them out what can the Second Chamber do to help them?—It will no doubt use its influence amongst the different groups.

\* \* \* \* \*

56. *Sir Zulfiqar Ali Khan* : Now, I want to be very clear about this. I think you have maturely considered this point. In the provinces, for example, there would be a Prime Minister?—We are not recommending Prime Ministers.

57. Supposing that point is conceded and a Cabinet is formed with a Prime Minister, then there would be a strong party in favour of the Prime Minister who forms the Cabinet?—To do that you are getting away from our recommendations.

58. You want the local councils to elect the members of the Assembly?—Yes.

59. Supposing there is no Prime Minister, as you have suggested, then you would have the members of the Assembly elected by the Council, but if there is a Prime Minister you would not have indirect election?—I am afraid we are at cross purposes.

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60. *Sir Zulfiqar Ali Khan* : The question I want to put is this. *Sir George*, you have explained that the elected members of the Assembly may be sent up by the elected members of the legislative councils. Now, in case of there being a Prime Minister and his Cabinet, would you still support this idea?—Yes, that makes no difference; but it is not our recommendation.

61. Would you kindly enlighten me on this point? Supposing the Prime Minister has a strong party, in every province there ought to be a strong party, and supposing the Prime Minister has his nominees elected to the assembly, do you think in the Assembly itself there would be a free expression of opinion on subjects concerning the provinces, because these elected members would be under the influence of the Prime Minister?—That question is based on a hypothetical condition that there is going to be a strong party from which the Prime Minister and the ministers are drawn, but we cannot visualise that at present. In our view the imaginary ministry will be drawn from a coalition party, a group of parties.

62. What about the Prime Minister?—The Prime Minister would be one of the group who form the ministry, if there is to be a Prime Minister.

63. Then that Prime Minister ought to be supported by the majority of the council members forming the respective parties?—He ought to be.

64. Because if the Governor calls upon somebody who is the most powerful member in the legislative council, then he alone can form a stable government. Under those conditions what I want to know clearly is whether you would in those conditions support the idea of indirect election?—Certainly I would.

65. Whether you get a really representative element in the Legislative Assembly or not?—Yes.

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67. *Sir Zulfiqar Ali Khan* : Then with regard to the transfer of Law and Order, do you think that in the existing condition of strained relations between the communities, you could safely transfer Law and Order?—I have once before replied to that question already, and I may repeat my answer. We have divided the subject of Law and Order into judicial administration and police, and we recommend that judicial administration and the High Court should be a central subject under the Central Government. As regards police, there are three different points about it as we have already mentioned before the Conference this morning, and we have made no specific recommendation about the police administration.

68. Then you want to strengthen the Central Government by the creation of a Second Chamber?—Not the Central Government; it is for the provincial Government.

69. For the Central Government also?—No.

*The Chairman* : In the Central Government they propose to keep the Council of State, which is a Second Chamber.

70. *Sir Zulfiqar Ali Khan* : Then in the provinces you want a Second Chamber?—Yes.

\* \* \* \* \*

72. What I want to know is this. In the event of a Second Chamber in the provinces, do not you think that the demands conceded may be nullified by the operations of the Second Chamber in the province?—Oh, not at all. I do not see why you should expect to find in the body we have suggested men not imbued with a spirit for working in the interests of their country.

73. This is the view in the provinces, I know—at any rate in certain provinces—that the Second Chamber certainly is a sort of drag on the Government. Anyhow, you do not think so?—No.

\* \* \* \* \*

75. In your Memorandum you say that very large sums of European money have been invested in this country?—Yes.

76. It is perfectly true. You have taken a very honourable share in the development of this country; but, at the same time, you do not want to create an impression in the minds of the people that you stand in the way of the constitutional reforms in India?—That is so.

77. You wish the Indian people to get on along the paths of freedom and liberty and constitutional reform?—Yes.

78. *Sardar Shivdev Singh Uberoi* : Your organisation was constituted in 1920?—Yes.

79. And the aims and objects are also given down below in four classes?—Yes.

80. They relate mostly to the protection and promotion of trade, commerce, industries and manufactures?—Yes.

81. Am I to understand that this is the first time your Association has come into the field of politics in order to make recommendations for the future government of India, or has it taken an interest, since the constitutional reforms, in the politics of the country?—As a report or recommendation or Memorandum by the Association, this is the first occasion on which it has dealt with matters which may be possibly designated as political; but, of course, we are doing it as commercial representatives, and that is the reason why, I would explain, we have not gone into all the details connected with constitutional reforms.

82. *Dr. Sukhravady* : With reference to the system of indirect election recommended by your Association, may I inquire whether you have considered that under the old Minto-Morley Reforms this system of election was tried on a small scale, inasmuch as the Local Legislature sent up two or three members to the Council?—Yes.

83. And is it not a fact that this system of election was given up subsequently?—It was given up at the time of the introduction of the Reforms, of course.

84. It was tried as an experiment under the Minto-Morley Reforms on a small scale, and it has been given up?—It has been given up when the present Reforms came in.

85. I simply want to draw the attention of the Conference to the fact.—It was not given up on its merits; it was given up under the new Act.

86. The Chairman has pointed out that it was considered by the Reforms Committee?—Yes.

87. With reference to Law and Order, do I understand that you are in favour of the transfer of Law and Order to the popular control, excluding the Police?—Judiciary and administration and High Court.

88. That is to say, so far as Police is concerned, you are not in favour of the transfer of Police to the popular control; but so far as Law and Order, excluding the Police Administration, is concerned, you are in favour of its transfer to popular control?

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—We are in favour of the centralisation of High Courts, and justice in what we term here judicial administration. As regards the Police Administration, we have made no recommendation as to whether it should be transferred or non-transferred or a central subject.

89. As regards the High Court, do you recommend its transfer not to a Minister, but to the Second Chamber?—No, to the Central Government.

90. In the event of Law and Order being made a transferred subject in the province, are you in favour of the Governor being given powers of restoration and certification of grants which he now possesses with regard to reserved subjects?—I think I would rather not reply to that question, because there again it assumes a condition which we have not recommended.

91. You have not considered that point?—We have considered it very fully. We recognise the difficulty. If you transfer to a Minister and then give the Governor powers of certification, we realise that the effect of that is practically to reserve it instead of transferring it.

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*The Chairman:* We are very grateful to you, gentlemen, and you have been very patient and good in giving us answers to questions from all sides. I am afraid we have kept you a very long time; but we shall be very grateful if for a time you feel disposed to stay and listen to the evidence which is to be given by the Members of the European Association, but that is exactly, of course, as suits your convenience.

*The Witness:* We shall be very glad to avail ourselves of the opportunity to stay, sir.

#### APPENDIX.

LETTER No. 160/13-A.C., DATED 6TH APRIL, 1929, FROM  
THE ASSOCIATED CHAMBERS OF COMMERCE  
OF INDIA AND CEYLON.

It will be within your recollection that when the delegates from the Associated Chambers of Commerce of India and Ceylon gave oral evidence\* before the Indian Statutory Commission towards the end of January last, the President of the Commission requested them to draft a clause for the new Government of India Act which would provide reasonable safeguards against discriminatory legislation. From the report of the oral evidence it would appear that Sir John Simon's words were:—

"I would ask you to let us have, on whatever professional advice you choose to employ, the draft of the sort of clause that you have in mind. Do not leave it by saying that you will leave it to the lawyers; just employ the best men you feel inclined to employ if you do not feel inclined to do it yourselves, and have a Committee meeting and put it down. We would really like to have a clause about this."

It was consequently decided by the Association to endeavour to have such a clause drafted by the most suitable counsel available in Calcutta and Bombay. I am accordingly attaching hereto drafts prepared with the assistance of the legal advisers of the Bengal and Bombay Chambers of Commerce. In connection with the Bombay draft I am to suggest that the proper place for the first clause would be somewhere after Section 65 of the Government of India Act, while the proper place for the second clause would be in Part 9 of that Act which relates to the High Courts of India. I am to add that sub-clauses 2 and 3 of the second clause of the Bombay draft are taken from Order 46 of the Code of Civil Procedure,

while the rules contemplated by sub-clause 5 will be on the lines of the rules contained in the same Order.

I am to express the hope that these drafts will be of assistance to the Statutory Commission in drafting a clause which will meet the wishes of the Association in regard to discriminatory legislation.

#### BOMBAY DRAFT.

##### FIRST CLAUSE.

The Indian Legislature has not power to make any law intended or calculated to discriminate against any commercial, industrial, or agricultural interests established or to be established in British India by any person or association of persons, whether British subjects or not.

Nothing herein contained shall affect the power of the Indian Legislature to make any law of a discriminative nature against the subjects of any country if any law has been passed by the Legislature of such country discriminating against British Indian subjects residing or carrying on business in that country, or the power to impose any duty or duties for the protection of any trade, commerce, or industry, agricultural or otherwise, in British India.

##### SECOND CLAUSE.

(1) When any question arises in any Court in British India subordinate to a chartered High Court as to whether any law made by the Indian Legislature or a Provincial Legislature was within the power of the Legislature, such question shall be referred by such Court to the chartered High Court of the Province in which such Court is situated.

(2) The Court making the reference shall stay the proceedings in the case until the question is decided by the High Court.

(3) The High Court, after hearing the parties if they appear and desire to be heard, shall decide the point so referred, and shall transmit a copy of its judgment under the signature of the Registrar to the Court by which the reference was made, and such Court shall on the receipt thereof proceed to dispose of the case in conformity with the decision of the High Court.

(4) An appeal shall lie to the King in Council from the decision of the High Court.

(5) The High Court shall have the powers to make rules regulating the procedure on such reference and other matters relating thereto.

#### BENGAL DRAFT.

No law, ordinance, or other measure shall be made or sanctioned by the Indian Legislature or by any Provincial Legislature or by any Municipality or other Local Authority:—

(a) which discriminates, or shall tend to or is calculated to discriminate, as between the races or classes comprising His Imperial Majesty's subjects, and which expressly or impliedly excluding from amenability thereto others of such subjects shall operate directly or indirectly to abrogate, restrict, detract from or adversely affect the status or rights of the members of any race, creed, community, or class or classes of persons either with regard to their personal liberties, property or contractual rights or otherwise howsoever as held and enjoyed by them at the date of the commencement of this Act in common with others of such subjects, or to interfere with the exercise by the members of any class or classes of any profession, calling, or vocation, or with the conduct by them of any trade, industry, or business upon equal terms in all respects with others of such subjects—

\* See page 122.

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[Continued.]

- (b) to levy any taxation, cesses, duties, or other imposts of whatsoever nature or kind exclusively upon any persons as being the members of any race, creed, or class—

PROVIDED THAT nothing herein contained shall affect the right of the Indian Legislature to take any steps in the interests of public safety or to subsidise or assist any industry or undertaking in pursuance of any existing laws providing for special assistance at the expense of the taxpayer or consumer generally, nor prevent the imposition of such protective duties as may be imposed from time to time by the Government of India.

In any event the aforesaid restrictions shall not apply to the case of subjects of such countries as have adopted or may hereafter adopt discriminating measures against subjects of India, whether ordinarily resident in those countries or not, or against the import of Indian goods.

LETTER No. 310/13A-A.C., DATED 1ST AUGUST, 1929, FROM  
THE ASSOCIATED CHAMBERS OF COMMERCE  
OF INDIA AND CEYLON.

I am directed to refer to this Association's letter, No. 160/13-A.C., dated 6th April, with which were forwarded, for the consideration of the Commission, two draft clauses dealing with discriminatory legislation.

These draft clauses have given rise to further consideration of the question, and in the result two further alternative draft clauses have been prepared in consultation with counsel.

The Association feels that it is unnecessary to make any apology for following up its earlier suggestions by this further reference, both because of the importance and difficulty of the subject and because the suggestion that the Association should assist the Commission originated with Sir John Simon. I am accordingly instructed to forward the further alternative drafts marked A and B respectively, together with the following remarks thereon.

Draft A is on the same lines as the original "Bombay" draft, but is more comprehensive. The "Bombay" draft dealt solely with industrial and commercial matters.

The criticisms levelled against this draft are three.

- (1) Doubt is expressed whether being so wide in its terms it may not appear to the Commission to be insufficiently specific. It is suggested that Sir John Simon may have had it in mind in asking for a draft that it should be formulated in as precise terms as possible, and that it might be better to express in more detail the various rights which require protection.
- (2) It is felt that the words "Indian Legislature" should be more precisely defined so as to make it clear that Provincial Legislatures, Municipalities and Local Bodies are included. This point is developed later under Clause B. It is suggested further that the expression "Legislature" is not sufficiently wide to cover rules framed in exercise of powers conferred by an Act.
- (3) It is pointed out that it is altogether wrong and objectionable and contrary to all constitutional principles that High Courts should be empowered to pass judgment abrogating the Acts of the Legislatures to which they are themselves subject. It is held that it is very important to ensure that a Bill of a discriminatory nature, if introduced, should not pass into law, and that it must not be left to some Tribunal

to declare an Act to be *ultra vires* after it has passed into law.

Draft B follows the lines of the "Bengal" draft previously forwarded, with the addition of a clause making the Governor-General in Council the arbiter of what is discriminatory legislation.

The criticisms of this draft are as follows:—

- (1) It is pointed out that it is dangerous to be too specific, and that the more exhaustive a measure may be in its terms the greater the risk of overlooking possible contingencies which not having been expressly included are therefore *ipso facto* excluded.
- (2) It is held that the words "or any Provincial Legislature or any Municipality or any other Local Authority" and also the whole of Clause (b) which refers to taxation are redundant for the following reasons:

No Provincial Legislature can pass any law which the Indian Legislature has no power to pass.

The Municipal and Local authorities are the creation of statute. Every Municipality and every Local Authority is established by legislation. The Act which creates it also empowers it to impose taxation, cesses, duties and other imposts. Every Municipal Act contains a section which defines its powers to impose taxation, octroi duty, etc. These taxes as a rule, are divided into three classes, namely:—

- (a) those which the Municipality can impose without the sanction of Government;
- (b) those which it cannot impose without the previous sanction of the Local Government; and
- (c) those which it cannot impose without the previous sanction of the Governor-General in Council.

Similarly every Act creating a Local Authority contains a section which prescribes its powers.

If there is an absolute prohibition to the Indian Legislature to pass any law of a discriminatory nature such as is described in Clause (a), it follows that no such legislation can be passed by a Provincial Legislature, or a Municipality or a Local Authority.

On the other hand it is pointed out that it is not possible at this stage, when all is a matter of uncertainty as to the powers which will be vested in the different Legislatures, to predict that a provincial legislature, if autonomous, will not be empowered to pass laws without any interference from the Central Legislature.

- (3) On the question of making the Governor-General in Council the arbiter of what is, or is not, discriminatory legislation, the contrary view to that expressed above in dealing with Draft A is that it would be unconstitutional that the question whether a piece of legislation is *ultra vires* or *intra vires* should be left to be decided by an executive body. It is held to be essentially a question of law which must be left to the determination of the High Court.

A further point is made in this connection, viz., that supposing the majority of the Council of the Governor-General as newly constituted were to consist of extremists, a Bill of a discriminatory nature might be hatched in the Council itself. Then if the Bill were to be passed into law the Governor-General in Council would be called upon to say whether a Bill which

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had emanated from his Council was *ultra vires* or not.

I am instructed to make it plain that the Association does not feel that it is in a position to pronounce in favour of one or the other Draft and considers that it cannot do better than place before the Commission for their consideration the various points which have emerged during the discussion of this difficult subject.

## DRAFT A.

## FIRST CLAUSE.

The Indian Legislature shall not have power to make any law or pass any measure—

- (a) which discriminates or shall tend to or is calculated to discriminate as between the races or classes comprising His Majesty's subjects in any matter whatsoever, or
- (b) which shall affect or tend to affect expressly or impliedly any rights of the members of any race, creed, community or class of any nature or kind whatsoever hitherto enjoyed by them in common with others of such subjects in any matter whatsoever, or
- (c) which shall interfere, or tend to interfere, directly or indirectly, with the exercise by the members of any class of such subjects of any rights in any matter whatsoever upon equal terms in all respects with others of such subjects.

PROVIDED THAT nothing herein contained shall affect the right of the Indian Legislature to subsidise or assist any industry or undertaking in pursuance of any existing laws providing for special assistance at the expense of the taxpayer or consumer generally, nor prevent the imposition of such protective duties as may be imposed from time to time by the Government of India.

In any event the aforesaid restrictions shall not apply to the case of subjects of such countries as have adopted or may hereafter adopt discriminating measures against subjects of India, whether ordinarily resident in those countries or not, or against the import of Indian goods.

## SECOND CLAUSE.

(1) When any question arises in any Court in British India subordinate to a chartered High Court as to whether any law made by the Indian Legislature or a Provincial Legislature was within the power of the Legislature, such question shall be referred by such Court to the chartered High Court of the Province in which such Court is situated.

(2) The Court making the reference shall stay the proceedings in the case until the question is decided by the High Court.

(3) The High Court, after hearing the parties, if they appear and desire to be heard, shall decide the point so referred and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall on receipt thereof proceed to dispose of

the case in conformity with the decision of the High Court.

(4) An appeal shall lie to the King in Council from the decision of the High Court.

(5) The High Court shall have the power to make rules providing for the expeditious hearing of such cases by a Bench of two or more judges and for regulating the procedure on such reference and other matters relating thereto.

## DRAFT B.

The Indian Legislature or any Provincial Legislature or any Municipality or any other Local Authority shall have no power to make any law or any other measure—

- (a) which discriminates or shall tend to or is calculated to discriminate as between the races or classes comprising His Imperial Majesty's subjects and which expressly or impliedly, excluding from amenability thereto others of such subjects, shall operate directly or indirectly to abrogate, restrict, detract from or adversely affect the status or rights of the members of any race, creed, community, or class or classes of persons either with regard to their personal liberties, property or contractual rights or otherwise howsoever as held and enjoyed by them at the date of the commencement of this Act in common with others of such subjects, or to interfere with the exercise by the members of any class or classes of any profession, calling or vocation, or with the conduct by them of any trade, industry, or business upon equal terms in all respects with others of such subjects.
- (b) to levy any taxation, cesses, duties, or other imposts of whatsoever nature or kind exclusively upon any persons as being the members of any race creed or class—

PROVIDED THAT nothing herein contained shall affect the right of the Indian Legislature to take any steps in the interests of public safety or to subsidise or assist any industry or undertaking in pursuance of any existing laws providing for special assistance at the expense of the taxpayer or consumer generally nor prevent the imposition of such protective duties as may be imposed from time to time by the Government of India.

In any event the aforesaid restrictions shall not apply to the case of subjects of such countries as have adopted or may hereafter adopt discriminating measures against subjects of India, whether ordinarily resident in those countries or not, or against the import of Indian goods.

(c) When any question arises as to whether any law made, or any other measure taken, by the Indian or any Provincial Legislature or any Municipality, or any other public authority, was within the power of such Legislature or Municipality or Public Authority, the decision of the Governor General in Council on such question will be final.



## Memorandum submitted by the Council of the European Association.

On behalf of The Council of the European Association we have the honour to submit the following Memorandum :—

### INTRODUCTORY.

1. *The position of the British Community and the European Association.* The Council of the European Association, in placing before the Statutory Commission appointed under the Government of India Act 1919, its views on the problems which are within the scope of the present inquiry, feels it essential at the outset to explain the position in general of the non-official European Community in India and in particular of the European Association which it has the honour to represent and on whose behalf this Memorandum is submitted.

2. *Historical Record.* The British Non-Official Community in India is the direct descendant of those merchants who, in 1612, settled at Surat for trading purposes under a Firman from the Moghul Court and extended their activities in 1613 at Masulipatam, in 1661 at Bombay (ceded to the English by the Portuguese), and in 1710 in Bengal, again under Firman from the Moghul Emperor.

From these small beginnings and in the protection of their trading interests, suffering from the general disorder and breakdown of administration following the collapse of the Moghul Empire, the British gradually assumed control over the whole of the Indian Sub-Continent and gave to India an era of peace and prosperity which hitherto she had not known. In all spheres of activity Britishers shouldered the greater portion of the burden in bringing order out of chaos, and it is largely due to their initiative, enterprise and capital that India to-day occupies a prominent place both industrially and politically among the nations of the world. The British Community in India, therefore, by right of its past labours, the constructive work it is carrying on to-day, and the immense financial responsibilities under its direct control, can claim the fullest hearing on the important problems which His Majesty has called on the Royal Commission to study.

3. *The Census.* According to the 1921 Census the European population of British India amounted to 156,637.

These figures comprise :—

Officials .. .. .	11,351
British troops .. .. .	63,538
Women .. .. .	45,577
Non-officials—Males—under 18 years of age .. .. .	14,391
Non-officials—Males—Adults .. .. .	21,780
	<hr/>
	156,637

A large majority of the 21,780 Non-Officials occupy posts of great responsibility as Partners, Directors, Managers and Heads of Departments in various Industrial, Commercial, Banking and Agricultural concerns throughout India.

4. *Financial interests and responsibilities.* The total capital controlled by the British Community amounts to many hundreds of million pounds, while of the immense Import and Export trade of India amounting annually to £400,000,000 Europeans have responsibility for the larger share.

It would appear unnecessary to emphasize the fact that the well-being of the Indian people is as much dependent on the development of India's economic resources as on the development of her political organisations, and in the former sphere the British Community will for many years to come have to play a leading part.

5. *The European Association.* Throughout India the British Community has various commercial, industrial, and agricultural organisations, which will give evidence before your Commission, but its sole political organisation is the European Association. The Association was founded in 1883 on the introduction of the Ilbert Bill, but, as its founders say in their first report, the causes which made such an Association necessary had their origin long anterior to the Ilbert Bill. "On that occasion a demand "arose for a united and concentrated effort and for "a channel through which the Anglo-Indian (British) "Community might give expression to its political "views and notify to the governing body its political, "social or economical requirements." "The case "was not one which could be satisfied by the "accustomed action of existing public bodies, "inasmuch as these bodies each represented a special "interest in a special way. It thus became necessary "to form an Association having a distinctly political "end in view and representing not one interest but "all interests, not one class but all classes, not one "Community but all Communities of Englishmen "settled or employed or domiciled in India." This, the Council claims with confidence, the Association still does for all British residents in India. The Council, the governing body of the Association, is elected annually by its members in the various Provinces and contains representative men of every class, among whom are many of the acknowledged leaders of the British Commercial Community throughout India.

The Branches, Sub-branches, and Agencies of the Association number in all 31, and their distribution throughout India is graphically shown on the accompanying map (Appendix IV).<sup>\*</sup> The Chairman and Committees of these branches are also elected annually by the members within the area administered by them. Membership of the Association is open to all European British subjects as defined in the Rules under the Government of India Act 1919, and of the 21,780 Europeans eligible in India 8,000 are members of the Association.

6. *The authority behind the Memorandum.* The Memorandum is divided into two parts. In the first part which is entitled "General Considerations" the Association set out their views on the present position and their recommendations as to the general lines on which the changes should be made. Representing a community with large interests in India, many of whose members have had practical experience of the workings of the Central and Provincial Governments under the Government of India Act 1919, the Association hopes that the views expressed will be of use to the Commission.

In the second part the Memorandum deals with the special position of the European and Anglo-Indian non-official communities, and the manner in which their interests might be affected in the event of any extension of responsible government. Suggestions are made as to the desirability, especially in matters of taxation, trade and commerce, for safeguarding the present position under which Europeans and Indians have equal rights.

This Memorandum has been fully considered, discussed and approved by all the Branch Committees who themselves will submit memoranda and give evidence more particularly on Provincial affairs, when your Commission visits the various Provinces. The responsibility for the wording of the Memorandum rests, of course, with the Council of the Association, but in order to avoid confusion with the various "Councils" of the Provincial and Central Governments, which are frequently referred to, the Council of the Association refer to themselves in what follows as "the Association."

<sup>\*</sup> Not printed.

## PART I. GENERAL CONSIDERATIONS.

### SECTION I.

#### GEOGRAPHICAL, GENEALOGICAL, ECONOMIC AND OTHER FACTORS.

7. *Realities of Position.* The Association has observed that in the discussion of constitutional reforms and the progressive development of India's political organisation there is a marked tendency to pay too little attention to the divergent and complex factors which go to the making of modern India. If, therefore, the Association lays emphasis on the difficulties inherent in the problems under examination it is with no desire to exaggerate such difficulties into obstacles to political advancement, but to ensure that in considering progressive solutions of the problems the realities of the position should not be overlooked.

8. *Geographical.* The question "What do we mean by India?" needs only to be asked to disclose at once considerable divergence of opinions, for its very geographical boundaries are subjects of argument. "Is Burma part of India, and what have far-off Lahoul and Spiti, living in the fifth century on the rim of the eternal snows, got to do with twentieth century India of the crowded ports and limitless horizons?" "The mere space of India and its strongly contrasting physical conditions can be understood by anybody who takes the trouble to read Geography, but these are only the externals of the problem. We get nearer to its essentials when we examine the Indian population and see it as a vast palimpsest on which layer after layer of writing can be read—Aryan, Dravidian, Mongol and Autochthonous Negro—and nearest of all when we study the working through many centuries of religious, racial, social, political and economic forces on these immensely different peoples scattered throughout India's vast extent and many conditions of climate and soil."

9. *Genealogical.* The number of main castes in India is given as 67, irrespective of tribal subdivisions, and the languages in general use throughout the Sub-continent number 53, or with dialects, 222. These are factors militating against any rapid growth of nationalism, and Mr. Marten in his report on the Census of India, 1921, says "The sense of a common political nationality has never in the history of the people achieved sufficient intensity to override the facts of cleavage which are inherent in the social system."

The more obvious of the realities of the Indian situation which face any reformers are the immense inequalities in the historic antecedents, in the state of education, and in the general level of culture of the many different peoples of India, which postulate not only wide differences in their political capacity, varying from a high capacity to none at all, but also equally wide differences in their capacity for self defence under modern political conditions.

10. *Hindu Moslem Relationship.* In particular is this cleavage noticeable in the existing relations of Hindu and Muhammadan. The latter, for many years lagged behind his Hindu fellow-subject in all spheres of activity, and in consequence is faced to-day with the political and economic dominance of the Hindu. The obvious transfer of power from British to Indian hands brought about by the Reforms has made the Muhammadan alive to his backward position and to the fear that under the majority rule of democracy he be definitely relegated to a secondary position. In consequence, throughout the period covered by the Reforms, the Muhammadans have sought to ensure their position in the future government of India by pressing for proportionate representation in the legislatures and in all Government services. Feeling has run high and has led during the past few years to frequent outbreaks

of rioting between the two communities, and the present position, which is likely to become more strained with every step in political progress, seriously threatens the internal peace of India. The problem is one of the major difficulties with which we have to reckon in considering India's political progress.

11. *The Indian States.* Another of the important factors in the problem of India is the question of the Indian States. Occupying approximately one-third of India and with a population amounting to 70 millions, these States number 678. A glance at the attached map of India (Appendix V)\* which is coloured so as to show clearly the areas occupied by British India (red) and the Indian States (yellow) and non-regulation districts (orange) is enough to show the importance of this subject. There are islands of State Territory in British India, and British enclaves in some of the States. The people of British India and the neighbouring States are the same in language, race, and religion. No matter what solution of the political problem of the Indian States may be admitted, nothing can alter the fact that India is economically one.

The Association is unable to envisage any Reform in the political organisation of India that leaves unsettled the political status of the Indian States and their relationship with British India, and at a later stage in this Memorandum will put forward definite proposals as to the solution of this problem.

12. *Economic Factors.* It is generally recognised that the chief problems which now face national Governments are economic problems. This does not represent the whole truth as far as India is concerned—for we know that she has political problems of the first magnitude to solve—but it gives rise to a reflection of the utmost importance. It is a fair question to ask whether in future developments political arrangements should not rather be accommodated to the conditions imposed by economic facts. The Association would quote from the inaugural address of Colonel Stimson, Governor-General of the Philippine Islands, who recently took over from General Wood. He says "It has often seemed to me that sometimes in our insistence upon political development we overlook the importance of the economic foundations which must underlie it and upon which it necessarily rests." That statement the Association believes is equally true of India, where, as elsewhere, economics must be a dominant factor in the political organisation of the country.

Questions of customs, communications, ports, currency and exchange, in fact the great majority of subjects now dealt with by the Government of British India, vitally affect the Indian States and their subjects, whilst the actions of States have their reactions in British India. The Association considers the economic factors of the problem of great importance and in making the recommendations which follow, many of which are political in character, the Association has borne in mind the probable economic effect of the various courses which might be taken.

### SECTION II.

#### HISTORY OF REFORMS IN INDIA.

13. *Faith in British Institutions.* The history of Political Reform in British India was very adequately dealt with in the historic report of Mr. Montagu and Lord Chelmsford in their second chapter on the growth of the administrative system. The Association feels that there is therefore no need again to set out in detail the actual facts. It does, however, feel that the close connection of Political Reform in India with Political Reform in England deserves some emphasis. Through her close connection with England, India has shared in due proportion to her conditions and needs in the benefits of the rising

\* Not reproduced.

Liberal tide in England which was throughout the 19th century the motive force of Great Britain's development at home and in her dominions overseas. It appears to the Association that in spite of the practical difficulties of implanting Western institutions on an Oriental civilisation, the Britisher's faith in his own institutions and political traditions is so strong that he clings persistently to his desire to give the same benefits to other races with whom he comes in contact. During the discussions among the British Community throughout India which preceded the preparation of this report that trait was strongly in evidence and, whilst there are individuals who consider the Indian political problem an original one, which, owing to the complexities shown in Section I of this Memorandum, needs original treatment, the majority have an abiding faith in their own political traditions. That faith, however, is not blind to the difficulties inherent in any attempt to graft on to an Oriental civilisation, accustomed to personal rule, Western democratic institutions, and belief in the eventual success in India of British institutions is tempered by a realisation of the vital necessity of making good each step towards the goal of responsible government before fresh advance is tried.

14. *Antagonism refuted.* The European Association and the British Community which it represents are sometimes charged with being antagonistic to Indian political aspirations. The Association definitely repudiates the charge. Its attitude throughout has been that of constructive criticism while reform proposals were under discussion, and loyal co-operation when the reformed constitution became Law.

15. *Policy of Association.* In support of this contention the Association would draw the attention of the Commission to the policy which guides it in its examination of all problems.

#### OUR POLICY.

While the principles for which the Association stands remain unchanged in its history, its policy must be kept abreast of the times, and in conducting the affairs of the Association, the Council keep prominently before them the following aims, which were adopted in their present form by a General Meeting of the Association held in the year 1926.

- (1) *Maintenance by all constitutional means of the rights of the British Community in India. The claim to these rights involves neither infringement on the rights of others, nor the acquisition of privileges which it is unwilling to share with others.*
- (2) *Protection of British Minorities throughout India from aggression, racial or otherwise.*
- (3) *Practical sympathy with the Anglo-Indian and Domiciled Community in their political aspirations, and the fostering of a relationship of cordiality and co-operation with those Indians who are working constructively for the good of India.*

Among others, the following considerations govern the Council's actions :—

- (i) *Maintenance and promotion of ties strengthening the position of India as an integral part of the British Empire.*
- (ii) *The wisdom of assisting the political and economic development of the country in which we live with due regard to the benefit and contentment of its various peoples.*
- (iii) *The maintenance of the British Garrison at a strength sufficient to guarantee India from internal disturbance and external aggression.*
- (iv) *The assurance of a reasonable standard of efficiency in the Indian Administration by preserving in the Services*

*the minimum European British element laid down by the Lee Commission.*

- (v) *The necessity for legislative safeguards for the protection of the religious, educational, social and legal customs of the British Community, with special regard to the maintenance and extension of trial by mixed juries and experienced magistrates.*
- (vi) *The vital necessity for communal representation as the only practical method of securing the British Community's political position and a truly representative Government.*
- (vii) *The loyal acceptance of the Reformed Constitution and the retention of the Preamble to the Government of India Act 1919 as an indispensable test for determining the time for each advance towards responsible government.*
- (viii) *The necessity for the preservation and increase of British prestige and for practical recognition of the duties of European British subjects to their own community and to the land they live in.*

16. *Europeans in Legislature.* A careful study of the actual work of non-official Europeans in the Central Legislature will show the extent of co-operation offered and the measure of the endeavour of the British Community to assist in furthering India's political advance. A detailed account of this work is given in the two volumes attached to this Memorandum, entitled "European Non-Officials in the Indian Legislature" Vols. I & 2.\*

#### SECTION III.

##### CRITICISMS OF REFORMED CONSTITUTION.

17. *Terms of Reference.* The terms of reference of your Commission define the problems under examination. They are :

"To enquire into the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of Second Chambers of the Local Legislatures is or is not desirable."

It is necessary therefore for the Association in the first instance to examine the working of the existing and experimental measure of responsible government instituted by the Government of India Act, 1919.

##### LOCAL SELF-GOVERNMENT.

18. *Survey of working of local bodies.* The true test of the advance made in responsible government is to be found first in the working of Local Self-governing bodies, panchayats, district boards, and municipal bodies. A study of the official reports on local administration shows that whilst some advance has been made by the electorate, the growth of a realization of its full responsibilities has been checked by outside political issues and personal jealousies. That the efficiency of local administration, passing from the hand of the trained administrator to that of an elected chairman, would suffer to some extent was to be expected. The intensity of communal feeling

\* Not printed.

and personal jealousies seriously threaten to delay if not to jeopardise altogether further healthy development. The Association believes that the village panchayats, municipal and district boards are the primary training ground for responsible government in India. The Association, therefore, advocates the development of the panchayat system in all villages throughout India with the delegation to panchayats of definite though limited powers of taxation to cover the village administrative requirements, and based on the widest possible franchise. At the same time in view of the criticisms so constantly made in official reports on Local Self-government, the Executive must retain powers and be armed with instructions adequate to remedy maladministration. At the moment there is leniency towards inefficient and corrupt administration.

19. *Executive Posts.* The Association is compelled to call attention to the tendency to make executive posts in municipal and other local self-governing bodies a question of party patronage. It considers this a dangerous practice which needs summary check, and is of opinion that where possible executive posts in Local Self-governing bodies should be filled by members of a Local Government service recruited through Provincial Service Commissions.

#### THE PROVINCIAL SPHERE.

20. *Previous Criticisms.* The system of dyarchy introduced by the Government of India Act, 1919, has been in operation for some seven years. The Association was a strong critic of the scheme of Reform put forward by Mr. Montagu, the then Secretary of State for India, and Lord Chelmsford, and the Council considers it advisable to republish as an Appendix the views put forward by the Association on that occasion since much of the criticism then made has been amply justified. (Appendix I).\* These opinions are of more than academic value since they are the effort of men with great practical experience of India to apply to her complex conditions the political traditions of England which they have inherited. It is of definite value therefore to see how criticisms made prior to the initiation of the experiment have been shown to be well-founded, and to what extent they find support in the general views elicited during the present examination of the problem.

21. *Financial Aspects of Dyarchy.* Before, however, undertaking that task the Association would emphasise factors outside the problem itself which have been an added difficulty confronting the Reforms. It was unfortunate, though perhaps unavoidable, that the Reforms should have been initiated at the commencement of a period of great financial stringency, calling not only for severe retrenchment in all departmental expenditure, but in some cases for additional taxation. Funds had to be found for the maintenance of the primary functions of government, all on the reserved side, at the expense of benevolent activities on the transferred side. Ministers were consequently faced with the necessity of carrying on, but in many instances owing to lack of funds were deprived of a full opportunity to show their abilities in the initiation of new schemes and thus appreciate the real value of the power handed over to them.

22. *Tends to irresponsibility.* Further, the obvious difficulties of working dyarchy in departments without dyarchy in finance has, as this Association anticipated, bred irresponsibility. The Association in its Final Statement on the Reforms Scheme, referring to the relations between the Ministers and the Indian members of the Legislative Council asked this pertinent question—"Will they now favour or assail him accordingly as they approve or dislike his attitude towards the momentous reserved questions . . . It is certain as a rule they will." It is now possible to add "they have."

23. *Summary of previous views.* The main criticisms of the Reforms previously made by this Association can thus be briefly summarised.

- (a) REPRESENTATION. "The problem in India is much less to find individual Indians possessed of character and administrative ability than to create an electorate which may be depended upon to choose such men in preference to those less able or less worthy."

This difficulty has been emphasised in the working of the Reformed Constitution, and the Association can point to numerous instances in which the choice of the electorates has fallen on men unsuited to be their representatives.

- (b) COMMUNAL ELECTORATES. "The Council of the Association would urge that the recognition of communal interests is the first step towards union. For the prime condition of united action by men of various communities is that each community should feel secure in its rights."

Opinion on this question has not changed and the Association considers that the existing system of communal electorates must continue. It is confirmed in its opinion by the views expressed by the Director of Public Information in his review of the moral and material progress of India for 1926-27. There is no denying the fact that communal tension, always present in India, has been increased since the introduction of the Reforms, and the Association considers this the natural result of realizing that power is gradually being handed over, and is more in the nature of a fight for political position than the outcome of communal electorates. It is, however, true that the formation of communal electorates has led to much proselytizing amongst those individuals who lie on the border line of Hinduism and Islam with a view to showing that a particular community had a numerical majority in a particular province and was therefore entitled to a majority of seats in the Provincial Legislature. It feels that some of the existing tension is due to the continued insistence of the majority community on joint electorates and believes that if the majority community would recognise the practical difficulties of the position, and the undoubted nervousness of minorities, it would materially assist the growth of a more healthy atmosphere. The Association, while fully alive to the defects of communal electorates, disapproves of the endeavour to find a superficial settlement of the communal problem by a redistribution of Provinces. It considers that communal electorates must remain at present, but would suggest that the foundations of an improved political electorate might be laid by the addition of electorates formed on some basis of common interest which cuts across the communal interest.

- (c) DIRECT ELECTION. The Association in its previous Memorandum definitely favoured direct election and that remains the opinion of the Association to-day in so far as the Provincial Councils are concerned. Experience in the past of the intrigue and corruption arising from limited electorates inclined the Association to a wide electorate, which, even if ignorant of its responsibilities, would at least have been too large to be entirely swayed by corrupt methods. Much buying of votes is still reported, though in so far as the Association is aware no election petitions on the grounds of corruption have been proved. It might thus be argued that a wider franchise would be still less corruptible. But it should not be overlooked that whilst the electorate has shown some awakening, a large proportion is still too

ignorant to exercise the vote in a responsible manner, and it would be unwise to swamp the existing electorate with a fresh crowd of ignorant voters until those now enfranchised are more fully acquainted with their responsibilities. In England changes in the franchise were made at considerable intervals.

- (d) **MINISTERIAL RESPONSIBILITY.** In its final statement on the Reforms, the European Association said that in its opinion, "The test (of representative government) could only be made real by making ministerial tenure of office dependent on the vote of non-official members of the Legislature."

To some extent that recommendation was incorporated in the Government of India Act, 1919, though owing to the obstructionist activities of the Swaraj party, ministers in most provinces have been forced to depend for support on the Government block. Further, there has been no real or effective test of the suitability to Indian conditions of representative government owing to the facts that in no Province has Dyarchy been complete, and that the transferred side has lacked a separate purse.

As was expected, the politician has sought to identify the ministers with the reserved side, and the electorate has never been consulted on questions of policy affecting only those departments over which the Legislature has full responsibility. Again, relying on the Governor's powers of certification, opportunity has been taken to make irresponsible cuts in Budget grants. Similarly, the right to criticise in resolutions the action of the Reserved half of Government without any responsibility for that action has led to the growth of irresponsibility in some Provinces, particularly in Bengal and the Central Provinces. The Association finds itself in entire agreement with the views expressed by its predecessors that real training in responsible government can only be secured by making ministerial tenure of office dependent on the vote of non-official members of the Legislature. The Montagu-Chelmsford report repeatedly emphasises the ill effects of giving powers of criticism without responsibility, and the Association cannot emphasise too strongly its agreement with that criticism both as regards the Provincial and Central Legislatures.

#### CENTRAL GOVERNMENT.

24. *Responsible Government opposed.* The Association would now turn to the Reformed Central Legislature. Here again the Association finds itself in agreement with the views of its predecessors both in their Final Statement on the Reform Scheme and in their Memorandum to the Reforms Enquiry Committee (Appendix II).<sup>\*</sup> The Association is opposed to the undue acceleration of responsible government in the Central Government prior to satisfactory proof of the experiment in the Provinces.

Apart from this, the institution of an elected majority without responsibility and inherently in opposition to Government has weakened materially the Executive which finds itself responsible but in a minority and unable to carry such measures as it may deem highly desirable, but which could not rightly be certified as essential "to the safety, tranquility, and interests of British India or any part thereof." It appears essential to the Association that the position of the Executive in the Central Government should be strengthened, particularly if the recommendations for a further transfer of power in the Provinces are accepted.

25. *Weakness of Executive.* The Association considers that the Legislative Assembly has been wrongly constituted, and can in no way be considered representative. Many of the constituencies are unwieldy and it is extremely difficult, if not impossible, for an elected member to keep in touch with his

constituency. Apart from this, the qualification of existing electorates is in many Provinces too low, and but a small proportion of the electorate is capable of understanding the many intricate problems which are dealt with by the Central Legislature. It is well known that election to the Legislative Assembly is less strenuously contested than elections to the Provincial legislature. This is due primarily to the fact that the Provincial legislature offers more hope of advancement to the politically ambitious than does the Legislative Assembly, and secondarily to the difficulty which suitable men in business or the professions find in being absent from their business or professions for long periods. An analysis of the elected members of the Central Legislature will show that with a few outstanding exceptions the members have neither the political nor the social position in their Provinces which might be expected. As to the unrepresentative character of the membership this has been testified to by members themselves during debates on questions of social reform. For various reasons, the chief one of which is the language difficulty, an undue proportion—over 50 per cent.—of the elected representatives are drawn from the lawyer class and the small urban interests to which they belong have thus secured an undue share of political influence at the expense of agricultural and commercial interests.

26. *Need for Strong Central Government.* The modern, and particularly the more recent, history of countries under federal government teaches lessons of importance for India. It shows how economic conditions press continually and with increasing success against the barriers raised by State and Provincial rights and jealousies. The growth of communications, the expansion of commerce and industry, and the ever growing scope of economic problems lead all the time to a greater concentration of power in the hands of the Central Government, and the consequent diminution of the importance of the constituent units in a federal state. This fact is particularly relevant to India, in which the various Provinces in British India and the Indian States form an economic unit.

Arising out of this consideration, there are two further important criticisms of the Central Legislature which the Association has to make before it passes to its recommendations.

27. *Economic Unity.* All over India the boundaries of the Indian States, most of which are merely imaginary lines, run side by side with the boundaries of British India. There are islands of State territory in British India, and British enclaves in some of the States. The people of British India and the neighbouring States are the same in language, race and religion. No matter what the solution of the big constitutional question of the future relation of the Indian States with British India may be, nothing can alter the fact that India is economically one, and to consider only one aspect of the political development of India might inflict immense loss and hardship on the whole country and injure Indian commerce and industry.

28. *All-India Subjects.* The majority of questions now dealt with by the Central Government of British India intimately affect the Indian States, who have at present no say in the settlement of these questions. Already the difficulties of this position are being felt acutely and it would be wrong, and entirely contrary to British treaty obligations with the Indian States, if these questions were delegated to settlement by a self-governed British India alone.

In examining the problem of the political organisation of British India, there are therefore more than sufficient grounds to justify a recommendation for the establishment of an All-India Government.

29. *Government Publicity.* There is one other point, which the Association would particularly emphasise. The Government of India to-day is called upon to gain support for Government policy without any

<sup>\*</sup> Not printed.

provision for placing that policy before the electors. With the exception of the Anglo-Indian press the entire Indian and vernacular press is definitely hostile to the Government. At election times Government has no machinery to place its position before the electors. Government officials are prohibited from active participation. The candidates in the majority of cases vie with each other in seeking the suffrages of the elector by a virulent campaign against the Government. This position is not only undesirable, but is full of potential danger since every election tends only to diminish the authority of Government. To meet this position the Government of India is provided with an entirely inadequate publicity office subject to the vote of its opponents and consequently lacking in that vigour essential to successful propaganda.

#### SECTION IV.

#### RECOMMENDATIONS.

##### THE ELECTORATE.

**30. Local Self-Governing Bodies.** (a) The Association in putting forward its recommendations for consideration by the Statutory Commission would emphasise the danger of building a superstructure before the foundations are secured.

The electorate, being the foundation upon which responsible government rests, calls therefore for primary consideration. The Association has previously stressed the necessity of looking to Local Self-governing bodies as the initial training-ground for the electorate and recommends that where village panchayats are not in existence they should be formed on the widest possible franchise with limited powers of taxation to cover the cost of village administration, and that the electorate for District Boards and Municipal bodies should be made as wide as possible. At the same time the Association realizes that the success of these bodies is largely dependent on the interest shown in them and the guidance that can be given by the District Official. It would appear a necessary safeguard to provide the Local Self-Government Department with adequate power to take over and administer these bodies in the event of maladministration.

The Association also recommends that where possible executive posts in Local Self-Governing bodies should be filled by members of a Local Government Service recruited through Provincial Service Commissions.

The Association is also convinced that the growth of a sense of responsibility in the electorate is dependent on the spread of primary education, a subject on which it will make representations to the Committee appointed for this purpose.

**The Provincial Legislatures.** (b) The Association does not recommend any extension of the franchise for the Provincial Legislative Councils, on the ground that the existing electorate has still much to learn and the growth of its sense of responsibility would sustain a definite setback if the existing voters were to be overwhelmed at this stage by an influx of illiterate voters. The position in the various Provinces differs considerably and at present the franchise is not similar. The various Provincial Committees of the Association will be addressing the Commission on this and other matters of particular Provincial importance, and the Council of the Association would not oppose any recommendations for a change in Provincial franchise which Branches might consider justified by the conditions in their Province.

The Association is, however, convinced that communal electorates must remain for the present, but recommends the formation of additional electorates based on a community of interest which would cut across the communal electorate. The majority community press continuously for the theoretically sound system of joint electorates, but the Association

is not convinced that the insistence on joint electorates is entirely disinterested.

The Association suggests a careful examination of the interests represented by the present sitting members in the Provincial Legislatures, and considers that a greater proportion of seats should be given to Agriculture, Landed and Business interests, Labour and the Depressed Classes.

India, in its social customs, is still too conservative to take readily to democratic methods, and many representative and able Indians of standing will not submit themselves for election under the present electoral system, one of the reasons being that the atmosphere surrounding the polling booths is one of intimidation and rowdiness. In fact many suitable candidates of high social standing would consider their prestige irreparably damaged by having to canvass the suffrage of the electorate and to submit to the volume of personal abuse which is a marked feature of all elections. This position must be recognised.

**The Council of State.** (c) The Association recognises the valuable work done by the Council of State, whose members throughout a difficult period have fulfilled their duties with a real sense of responsibility without being slavish followers of Government. No change is suggested, therefore, in the electorate for the Council of State.

**The Legislative Assembly.** (d) The Legislative Assembly has already been criticised as being unrepresentative and constituted on an unsound basis while the responsible Executive has been placed in an impossible position. The Association cannot approve the existing system of direct election owing to the difficulty of securing the necessary link between members and their far-flung constituencies. In addition, the existing composition has given undue political influence to the small urban interests. The Association therefore recommends the abolition of the present system of direct election to the Legislative Assembly and the introduction of a system of indirect election by Provincial Legislatures and approved public bodies representing Landed, Commercial, Labour and Minority interests. Agricultural interests must also be given adequate representation. The Association recommends that of the elected members 40% should be elected by Provincial Legislatures, 20% by Commercial and Industrial Bodies, 20% by Landed and Agricultural interests and 20% by Minority interests.

##### CONSTITUTION OF LEGISLATURES.

**31. Provincial Councils.** The Council of the Association is prepared, subject to adequate safeguards, to recommend the grant of full responsible government to the Provinces where such is recommended by Provincial Committees of the Association having a special knowledge of the conditions of their own Province. Non-regulation districts should, however, remain under the direct administration of Governors. In those Provinces in which European opinion believes that the conditions of the Province require for the present the reservation of law and order, this department should be placed under the direct administration of the Governor, the cost being a non-votable charge against the revenues of the Province.

The safeguards which the Association regard as essential are:—

- (a) That second Chambers be established in the Provinces.
- (b) That all bills passed by Provincial Legislatures shall require the assent of the Governor-General in Council.
- (c) That there be adequate constitutional safeguards against legislation which discriminates against any particular section or community in matters of Taxation, Trade or Commerce, and that it be made a charge on the Governor to use his power of veto

on any legislation which appears to be unfairly directed against any particular section or community.

- (d) That the recommendations of the Lee Commission as to the Services be adhered to.
- (e) That the financial relations between the Central and Provincial Governments be re-examined and adjusted to overcome the inequities of the Meston award.
- (f) That the Governor-General in Council have powers to take over and administer a Province in which the administration breaks down.
- (g) That a Public Services Commission be appointed in each Province.

32. *The Constitution of the Central Legislature.* (a) In considering the constitution of the Central Legislature the Association has been impressed by the fact that under the Government of India Act 1919, the Central Legislature has considerable power over legislation of an All-India nature, legislation affecting not only British India, but also indirectly the Indian States, whilst the latter have no say in regard to such legislation and have to rely entirely on the Viceroy in Council to protect their interests.

The Association proposes to confine its suggestions here to the Central Legislature for British India, but would point out that its views are governed to a large extent by the considerations dealt with in detail in paragraphs 36 to 39 hereunder.

*Powers and Responsibility.* (b) The Montagu-Chelmsford report emphasized very strongly the disadvantages of giving powers of criticism without responsibility, and a perusal of the proceedings of the Legislative Assembly will show in many places how true was the summing-up of the position by the authors of the report. While admitting these defects in the present constitution of the Assembly, the Association is faced with the difficulty of submitting an alternative proposal which meets with the unanimous approval of the members of the Association and which would secure the strengthening of the executive, upon the vital necessity of which the Association is unanimous. Two alternatives have been suggested (i) That the central legislature be converted to a single House with powers curtailed to those of a purely advisory body, and (ii) An increase in the number of nominated seats. Neither alternative has adequate support from our Association to justify our making a definite recommendation on this point.

A far-reaching advance in responsibility has been recommended for the Provinces, and sufficient time must be given to prove the success of the great adventure there and to consolidate the position before introducing an unexplored extension of responsibility in the Central Legislature.

*Executive should be strengthened.* (c) It is hoped that the revised electorate recommended for the Legislative Assembly will provide a more representative House than the present, but it will not entirely overcome the difficulty with which the Government is faced in working with a minority.

*Nominated Officials.* (d) The Association think that the present position of nominated Government officials in the Legislative Assembly is unsatisfactory. It is obviously necessary that for the present Heads and Secretaries of Departments must be members of the Central Legislature, but the Provincial nominated members are in an anomalous position. Presumably they are nominated to the Central Legislature to represent the views of their Provincial governments, but in practice even when dissenting from the opinion of the Central Government they are obliged to vote with that Government (as for instance during the debates on Provincial contributions). The result has been that those members, many of whom could make valuable contributions to the solution of problems under discussion and who could bring to bear their practical knowledge as district

officers, remain silent voting machines. The Association is theoretically opposed to the intervention in politics of permanent officials, but recognises that at the present stage of development their retention in the Central Legislature is necessary. The Association would, however, definitely recommend that members nominated to represent Provincial governments should be free to speak and vote in accordance with the requirements of their Province. Further, provincial administrative requirements necessitate far too frequent changes of representatives, and the nomination of official members for at least a session would seem desirable.

There is one point in favour of having nominated official members. It is that experience in the Legislature may be valuable training for them if at a later date they come to be Members of Council or Secretaries in charge of departments.

*Viceroy's Executive Council.* (e) The Association has little criticism to offer as to the existing constitution of the Council. It is convinced that the Council must remain predominantly British. It has been concerned at the personal attacks to which His Excellency the Commander-in-Chief has been exposed in the Legislative Assembly derogatory to his exalted position and subversive of military discipline. With the growth of politics in the Central Legislature the Association holds the view that it would be wiser to relieve His Excellency of his responsibilities in the Executive Council and that he should be replaced by a member for Defence who should for the present be British.

*Link with Assembly.* (f) Suggestions have been made for a definite link between the Executive Council and the Central Legislature, and provided this does not unduly restrict the opportunity for the Viceroy to select the best non-officials the Association would not be opposed to such a change. It is the general opinion that the non-official members of the Viceroy's Executive Council have not always been wise and suitable selections, particularly from the point of view of the legislative work they are called upon to perform. It is possible that the appointment of a member of the Legislative Assembly to the Executive Council might be an additional strength to the latter body.

*Finance.* (g) The outstanding difficulty in the problem is undoubtedly the question of the division of finance between the Central Government, Provinces, and, if they are brought in, the Indian States. The existing arrangement based on the Meston award, has been the subject of much criticism and controversy and any recommendations made in this Memorandum are subject to a revision of that award. The Association has not attempted, nor has it the authority, to put forward any recommendation on this vital portion of the problem. All it can do is to re-emphasise the necessity that the problem should not be looked at from the purely provincial point of view to the detriment of the wider and more unifying activities of the Central Government. It would recommend that the Statutory Commission should forthwith appoint an expert finance committee to examine this portion of the problem and it is confident that the Provincial Committees of the European Association would, if invited, be ready to place their views before any such Committee.

## SECTION V.

### AN ALL-INDIA GOVERNMENT.

33. *Provincial Outlook.* The Association has previously emphasised the economic aspect of the problem, and whilst recognising the desirability of decentralisation in certain matters, is convinced that the Central Government must have definite powers to intervene in Provincial matters with a view to checking the abuse of a purely Provincial outlook,



already very noticeable in the discussions on Provincial contributions arising out of the Meston award, to the detriment of a wider All-India outlook and the final development of India's economic prosperity.

34. *Subjects distribution.* This involves a careful examination of the subjects to be administered by the Central Government and the Provincial Governments respectively. The Association considers the existing distribution of subjects as between Central and Provincial Governments satisfactory, but would recommend that the Government of India should be given power to co-ordinate the work of Provincial Road Boards in the development of India's Road system.

35. *Social Reforms.* Whilst on the question of Central subjects the Association would also recommend the delegation of such powers to the Provinces as to enable each Province individually to deal with social reform. The moral and material progress of the peoples is largely dependent on the ability to modify existing and ancient customs to suit the requirements of modern India. To ensure an equal advance of public opinion throughout India is a difficult task likely to delay social reforms. Already certain Indian States possessing as they do the necessary authority have introduced social reforms, and if provinces were similarly empowered to undertake social legislation, advance would be more rapid and the consideration of questions of social reform might assist in the healthy growth of parties in the Provincial Legislatures.

36. *Federation of States.* The most difficult portion of the problem from the economic point of view is, however, the status of the Indian States. The Association is convinced that some advance should be made towards developing a Federation of Indian States having a definite connecting link with the Government of British India. The Association is mindful of the existing treaties with the Indian States. So long as these treaties exist carrying with them responsibilities for the external and internal security of the Indian States, the Crown cannot delegate those responsibilities to the British India Government or any other, particularly one responsible to electorates in British India alone. It is obvious, however, that the Ruling Princes are alive to the political development proceeding in British India and recognise that moral and economic factors are compelling them to some change in existing relations. They desire, and justly, an adequate voice in All-India subjects materially affecting the welfare of the States and their peoples, and some of them have shown courage and statesmanship in the reforms which they have voluntarily introduced within their States. The Association welcomes this move in the direction of a united India, though it recognises that participation in any such reform which may be introduced must be entirely voluntary. It has given much thought to the problem and would place on record in some detail a suggestion which it believes will create tendencies towards final federation.

37. *Ultimate goal.* It will not be possible at the moment to take more than an initial step towards the ultimate and distant goal of an All-India Government consisting of a federation of Indian States working harmoniously with British India through legislatures which would draw their representatives both from British India and the Indian States.

38. *Federation of States.* The first step towards this goal would appear to be the building up of a federation of the Indian States, working through the Chamber of Princes and controlled by a Viceroy in States Council, corresponding to some extent to the Viceroy's Executive Council in British India, to which the participating Indian States would delegate certain definite powers. In questions affecting both the Indian States and British India, the Indian States Council and the Executive Council of British India might meet as a Union Council under the Viceroy.

*Supreme Court.* If the Indian States are included in the future constitution it might be found desirable to establish a Supreme Court, to the jurisdiction of which the Indian States would become amenable.

39. *Economic Aspect.* The Association wishes to emphasize the economic aspect of the problem which in its opinion necessitates the fullest examination of India's political organization and an alteration in the existing constitution which will create a tendency towards the ultimate development of an All-India Government in which both the Indian States and British India will have their share.

## SECTION VI.

### MISCELLANEOUS.

40. *The Secretary of State.* The position of the Secretary of State and the India Council are questions which come within the purview of the problem under consideration.

There has been, and there will continue to be, criticism as to the desirability of interference by the Secretary of State.

The provisions of Sections 19 (a) of the Government of India Act which deal with the relaxation of the powers of the Secretary of State give ample scope for advance. The Association is not prepared at present to recommend any change in the India Council. The arguments put forward by the Joint Select Committee are just as urgent to-day as they were when they were written.

41. *Redistribution of Provinces.* The Association has had also under consideration the question of a redistribution of Provinces. Muhammadan opinion has for some time strongly advocated the separation of Sind from Bombay, and members in the Assembly have pressed for the formation of an Oriya Province, whilst many Indian politicians look for some readjustment of the Provinces on linguistic grounds.

The Association recognises that the Indian Provinces are not natural divisions, but administrative units, and that in the course of time, and when financial considerations permit, some redistribution is probable. The Council of the Association, however, is compelled to leave its Committees in each Province to deal with any proposals for a change in this direction.

### THE SERVICES.

42. *Lee Commission.* The Association in its readiness to agree to the transference of further power in the Provinces stated the necessity for certain safeguards, one of which was adherence to the recommendations of the Lee Commission regarding the Services.

The Association is not concerned with the nationality of Government servants, but is insistent on the British character of the administration being maintained. The Association from its own observations is satisfied that there has been deterioration in the efficiency of the administration since an increased policy of Indianisation has been adopted, and would emphasise the fact that a too rapid elimination of the British element and its substitution by an Indian element inevitably means that the character of the Administration would become Indian.

43. *British Standards.* It is true that many of the Indian Civil and other Government servants are already adequately maintaining British standards, and that, given the continued support of their British colleagues, there is some hope that the sound traditions of the services will not be impaired. In the opinion of the Association India will require for many years to come the services of Britishers in all branches of the administration, and the new conditions under which they will have to work and the new responsibilities of guidance which will fall to them call for the best men whom Great Britain can send. The Association, therefore, considers it



essential that no further steps in the reduction of the British element should take place.

44. *Nervousness of Members.* The Association has noted with pleasure the improved recruitment in London for the Indian Services, but it is not too confident that the position can be maintained. The Services are far from satisfied with their existing position, and nervous as to their future and their pensions. In many cases the inevitable changes which are taking place in the form of Government are depriving or are likely to deprive such officers of high appointments formerly open to them, whilst their advance in the Service is further threatened by political expediency. The discontent in the Services is also in large measure due to their dislike of many practices which have grown with the Reforms and are possibly the inevitable outcome of political government; in particular the use of their patronage by Ministers. Here the divergence of outlook between European and Indian must inevitably lead to difference of opinion.

45. *Proportionate Pensions.* These are not conditions under which men can give of their best, and in spite of improved recruitment, the Council of the Association is aware of the strong opinion held amongst the Services that Indian Service no longer affords Britishers adequate opportunity. Such an attitude in the Services themselves does not create an atmosphere favourable to recruitment. The Association does not endorse any such view, and believes that India still offers a fine career to men of ability imbued with a true spirit of service. At the same time it is essential that everything possible should be done to relieve members of the Services of nervousness as to their future careers. At the moment men who are dissatisfied with the conditions of service due to changes brought about by the Reforms are entitled to go on a proportionate pension. This concession, however, closes in 1930 prior to the announcement of the Statutory Commission's enquiry and parliamentary legislation arising therefrom. The consequence may be that many Government servants forced to come to a definite decision before the period of the privilege closes may proceed on proportionate pension rather than face an uncertain future. The Association strongly recommends that the privilege of proceeding on proportionate pension be made a permanent factor of Indian Service, and that such steps, as may be possible, be taken to reassure the Services with regard to the security of their pensions.

46. *I.M.S.* The Association has also some remarks to make on the regrettable position of the Indian Medical Service, and the effect that this will have on the spread of Western medicines, and in the prosecution of research. The Association is strongly of opinion that the Government must continue to recognize the right of European Government servants and their families to treatment by doctors of their own race and that adequate provision should be made accordingly. It is equally convinced that the necessary British element should be retained for the purposes of education in Western medicine, and for research in the treatment of tropical diseases. There is already a general tendency to turn to indigenous medical systems and whilst it may not be immediately possible to provide adequate medical treatment on modern lines for the bulk of the population, and there is therefore some justification for assisting and improving indigenous systems, the Association would press for adequate provision for instruction in more modern methods.

The recent proposals of the Government of India have gone some way towards remedying a state of affairs which was deplorable, but in the opinion of the Association the importance of this question justifies further consideration by your Commission.

## PART II.

### NON-OFFICIAL EUROPEANS.

47. *Special Electorates.* The European community are in numbers a very small minority in the population of India. They are for the most part engaged in trade or commerce, many of the big commercial firms having an unbroken connection with India for a century or more. Their importance in the trade and economic life of the country could not, the Association think, be disputed. At present in matters of taxation and trade Europeans and Indians are treated alike, have similar obligations and similar rights.

The Association has already expressed its opinion on the necessity for maintaining for the present the existing system of communal and special electorates. The Non-official European Community and the vast interests for which it is responsible could not secure adequate representation by any other methods. The Association has already pressed for greater representation of Interests—a principle which it believes is more just under Indian conditions and will give greater stability than the more usual form of democratic representation.

The Association also presses for adequate representation for European interests on all Local Self-governing Bodies wherever justified, and in particular Assam.

48. *Danger of Discriminatory Legislation.* The position of the European Community in India is one of some complexity. Whilst the community as such, and the majority of the big commercial firms, have an unbroken connection with India for a century and more, the individuals which compose it are constantly changing. They come to India at the outset of their careers and leave it on retirement after the best years of their lives have been given in its service. Whilst the community's position in India is recognized to some extent by the grant of representation in the legislature of the country, there has been a persistent endeavour by Indians to deny its members the full rights of Indian citizenship. The Government of India, yielding to the demands of Indians in this respect, have shown a serious lack of sympathy and an increasing tendency to look upon the non-official community as foreigners. The Association feels compelled to protest against this attitude on the part of Government and of Indians, and claims that as in England the Indian has equality of status and legal rights so in India the Englishman should suffer no legal disabilities or unfair discrimination against his commercial interests. The attack which has been made on British Trade since the institution of the Reforms has been so determined that the Association is forced to call the special attention of the Commission to this question. The Association asks for no privileged treatment, but it desires statutory recognition of its right to a permanent place amongst the great communities of India, and to equality of treatment for its individual members in accordance with Queen Victoria's declaration.

The Association has not previously pressed for any specific Statutory protection but these attacks upon the community, upon its commercial interests, its legal and social customs, have been so persistent during the period of the Reforms that it is compelled to ask the Commission to give very special attention to the necessity of introducing statutory safeguards.

49. *Statutory Safeguards.* The Association has no wish to impute hostile intentions against the European community to any section of Indian opinion likely to obtain control of the provincial governments. The Association, indeed, hopes sincerely that Europeans and Indians, realising their common interests, will work in progressively increasing harmony. At the same time the facts themselves and the expressions of hostility by leaders of certain sections of Indian opinion make it plain that discrimination against Europeans either in legislation

or administration is a possibility unless adequate steps are taken to prevent it. The Association puts forward a claim to statutory safeguards merely as a minority contributing to the life of the country. In the past minorities have been able to rely on the disinterestedness of a Government and Administration which was not identified with any one section or community in India more than another. If responsible government is granted to the Provinces the position so far as minorities are concerned will have changed. There may well be a Government which owes nothing to the support of certain minority communities and whose supporters are inclined to disregard the interests of such communities. There is, of course, nothing in the least derogatory to Indians in such a suggestion. The problem is a familiar one in Europe. There remains to consider the limits within which safeguards should be operative. At present the Instructions to Governors contain an authority in the most general words to prevent any unfair advantage or discrimination in interests arising from race, religion, education, social condition or wealth, or in matters affecting commercial or industrial interests. These Instructions (Par. VII. (3) to (5)) provide as follows:—

" (3) To see that no order of your Government and no Act of your legislative council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have hitherto enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large ;

(4) To safeguard all members of our Services employed in the said presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard, and that due obedience be paid to all just and reasonable orders and diligence shown in their execution ;

(5) To take care that, while the people inhabiting the said presidency shall enjoy all facilities for the development of commercial and industrial undertakings, no monopoly or special privilege which is against the common interest shall be established, and no unfair discrimination shall be made in matters affecting commercial or industrial interests."

The Association is completely in favour of the continuance of these or similar instructions. In asking, however, for definite constitutional and statutory safeguards the Association realises that the restriction on constitutional powers must be capable of clear and exact formulation and must be limited to fields in which discrimination itself must necessarily be regarded as unfair. Taxation, Trade, Professions, Commerce and Industry are, it is suggested, matters on which it would be proper and practicable to forbid discriminatory legislation altogether. The Association realises that there are of course other matters, religious, educational and social, in which discrimination is possible. The Instructions to Governors referred to deal quite generally with such matters. The Association feels, however, that so far as the European community is concerned it would be impracticable to ask for statutory safeguards on these points. In education, for example, it might be desirable to give special facilities to some community which might be discriminatory and yet fair. If and in so far as it is practicable the Association would in principle support any statutory protection required by a minority. On the matters in which

the suggestion of the Association is put forward, namely, Taxation, Trade, Professions, Commerce and Industry, the Association feels that all sections of the community should unite in repudiating any idea of discriminatory legislation.

Precedents for the prohibition of discriminatory legislation are to be found in the Statute Book, for example paragraph 16 of the Irish Treaty, scheduled to and given the effect of law by the Irish Free State Constitution Act, 1922, and Section 73 of the British North America Act of 1867.

50. *Representation and Rights.* (a) The present position in the Central and Provincial Legislatures is as follows:—

#### EUROPEAN REPRESENTATION IN CENTRAL LEGISLATURE.

Council of State.	
Chambers of Commerce, India	2
" " " Burma	1
	3

#### LEGISLATIVE ASSEMBLY.

European members from:—	
Madras .. .. .	1
Bombay .. .. .	2
Bengal .. .. .	3
U. P. .. .. .	1
Assam .. .. .	1
Burma .. .. .	1
Associated Chambers of Commerce	1
	10

#### QUALIFICATION.

Residence and income qualification which varies from the payment of income tax to an income of Rs. 12,000 in Bengal.

#### EUROPEAN REPRESENTATION IN PROVINCIAL COUNCILS.

Province	Elected by a General Constituency	Commerce and Industry	Trades	Total
Bengal	5	10	1	16
Madras	1	3	1	5
Bombay	2	3	1	6
U. P.	1	3	—	4
Bihar and Orissa	1	1	—	2
C. P.	—	1	—	1
Punjab	—	1	—	1
Assam	—	5	—	5
Total	10	27	3	40

The Association would press for the representation of the European population of the Punjab in the Legislative Assembly, but otherwise the Association is satisfied with the present representation as set out above so far as the Central and Provincial Legislatures are concerned. Any changes made should contain provisions to prevent those rights being infringed or diminished. The Association is, as has been stated, in favour of the retention and development of the communal electorate system.

*Trial by Jury.* (b) The Association attaches great importance to the preservation of the right to a jury containing a majority of Europeans in a criminal prosecution. A corresponding right in the composition of juries is enjoyed by Indian British subjects.

*Education.* (c) The Association regard the state-aided schools for Europeans as important and necessary. Grants to some of these schools have recently been cut down. Their right to an adequate grant should if possible be protected, and the Association will address the Education Sub-Committee on this subject.

### THE ANGLO-INDIAN COMMUNITY.

51. *Ties of Kinship.* The Association, in view of the ties of kinship existing between the British and Anglo-Indian community, share with the leaders of that community the anxiety with which they view altered conditions. The past loyalty of the Anglo-Indian community and the valuable work of its members in many departments of Government activity, particularly the Railways, Posts and Telegraphs, Customs and Auxiliary Force, perhaps needs emphasis, for such services are liable at times to be overlooked. It is not on its past services, but on its present and future sphere of usefulness to India, that the Anglo-Indian community can best base its claim for Government assistance.

52. *Status.* The position of the community to-day is far from satisfactory. The community belongs to and is of India, but is as distinct from the other races of India as is the Muhammadan from the Hindu or the Bengali from the Madrassie. Legally its position is ambiguous :—

For purposes of the Law Courts the definition of a European is :—

"Any subject of His Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian Colonies or possessions of His Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal."

"Any child or grandchild of any such person by legitimate descent."

For purposes of the Franchise the definition of a European is :—

"A European means any person of European descent in the male line, being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has, or had up to the date of the birth of the person in question, such a domicile."

And of an Anglo-Indian is :—

"An Anglo-Indian means any person being a British subject and resident in British India."

"(i) of European descent in the male line who is not a European, or

"(ii) Of mixed Asiatic and non-Asiatic descent, whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European."

For purposes of employment in Government Service the Anglo-Indian is officially styled a Statutory Native of India. For purposes of the Auxiliary Force the Anglo-Indian becomes an European British subject.

In actual practice the community, which should represent all those of European stock domiciled in this country, finds much of its best material classifying itself under the existing rules as European, to escape the ambiguous position of being styled Anglo-Indian, whilst the bottom grades of the community are constantly being filled by Christians of very doubtful European stock, in fact often pure Indian stock, who seek thus to escape from their wretched social position among the depressed classes.

53. *Legal Position.* The Association recommends that the whole legal position be reconsidered and that the Anglo-Indian community should be clearly defined and be definitely recognised as one of the communities of India, and as such fully entitled with all other Indian communities to enter into Government service. That legally members of the community should be permitted to claim trial by a jury

consisting of a majority of Europeans if they so desire; in fact they would extend to all accused, irrespective of race or creed, the right to a majority of Europeans or Indians as they might desire.

54. *Economic Position.* The problem is, however, mainly economic. The Anglo-Indian has acquired and maintains to the best of his ability Western standards of living, and consequently finds himself faced with and being squeezed out by the economic competition of the Indian with his simpler and cheaper Indian standards. It is the same problem as faces South Africa, in fact the whole of the West to-day, when the lower standard of living and consequently lower wages of Indian labour are enabling the industries of India seriously to attack the industries of the West with higher standards to maintain. The Association can find no panacea for this state of affairs. The major portion of the economic life of the community is closely connected with the Railways, and the Association endorses the Honourable Commerce Member's remarks in the Legislative Assembly during the discussion on the Railway Budget in February this year that

"When, as a matter of history, members of a particular community have held a very large number of appointments of a particular class, inevitably the whole economic organisation of the community becomes involved with that fact. That is a point that the Government of India cannot possibly ignore and to take measures which would summarily involve a sudden violent dislocation of the economic existence of an important community would clearly be a matter in which the Government of India ought to proceed very cautiously."

55. *Employment.* It would seem necessary therefore to secure for the community for a period of years a definite reservation of employment in those departments which have previously found their recruits largely from this community.

56. *Education.* The Council of the Association have had the opportunity of a discussion with the leaders of the community on the problems which face them. In many spheres of Government activity the Anglo-Indian finds himself to-day excluded owing to his poor standard of education, and possibly the most practical method of assistance which could be given to the community would be a general revision of the whole of the question of European education in this country. On this question the Council of the Association will in due course address the Special Educational Sub-Committee which has been appointed, but at the same time it endorses and supports the claim of the Anglo-Indian community for special educational assistance.

57. *Representation.* To maintain the position of this community and to keep its problems prominently before Government and the Legislatures, the Association deems it necessary that the community should be given greater representation, particularly in the Central Legislature under whose control are the departments in which the community is most keenly interested. It is impossible for one member to undertake all the work that has to be done, and the Council is aware that the present representative of the community in the Legislative Assembly has not always been given the opportunity to voice the views of the community on the important problems in which the community is deeply interested. The Association would recommend at least one representative for the community in the Legislative Assembly from Bengal, Bombay, Madras and the Punjab.

### SUMMARY.

58. It is convenient to summarise here the recommendations which the Association desires to make.

## SUMMARY OF RECOMMENDATIONS.

## PART I.

## LOCAL GOVERNMENT.

- |  | Para. No. |
|--|-----------|
| 1. Encouragement and development of village panchayats and municipal and district boards to be elected on the widest possible franchise with power to the Executive to take over in the event of maladministration ..  | 30(a)     |
| 2. That a Local Government Executive Service be formed in each Province..  | 30(a)     |
| 3. Adequate representation of European interests on Local Self-governing Bodies .. .. .  | 47        |
| 4. The system of communal electorates to be continued and the existing electorates to be reorganised so as to give greater representation to agriculture, landed and business interests, labour and the depressed classes .. .. .  | 30(b)     |
| 5. No extension, or at any rate no considerable extension, of the present franchise .. .. .  | 30(b)     |
| 6. That responsible Government be introduced into the Provinces, subject to the following safeguards: .. .. .  | 31        |
| (a) That Second Chambers be established in the Provinces.  |           |
| (b) That all Bills passed by the Provincial Legislature shall require the assent of the Governor-General in Council.   |           |
| (c) That there be adequate constitutional safeguards against legislation which discriminates against any particular section or community in matters of Taxation, Trade, or Commerce, and that it be made a charge on the Governor to use his power of veto on any legislation which appears to be unfairly directed against any particular section or community. |           |
| (d) That recommendations of the Lee Commission as to the Services be adhered to.   |           |
| (e) That the financial relations between the Central and Provincial Governments be re-examined and adjusted to overcome the iniquities of the Meston award.  |           |
| (f) That the Governor-General in Council have powers to take over and administer a Province in which the administration breaks down.   |           |
| (g) That a Public Services Commission be appointed in each Province.   |           |
| 7. That Provinces should have necessary powers to deal with Social Reform..  | 35        |

## CENTRAL GOVERNMENT.

- |   |       |
|---|-------|
| 8. COUNCIL OF STATE. No change recommended .. .. .  | 30(c) |
| 9. LEGISLATIVE ASSEMBLY. Abolition of direct election and substitution of a system of indirect election by provincial legislatures and approved public bodies .. .. . | 30(d) |
| 10. An increase in the proportion of nominated non-official seats in order to strengthen the hands of the Executive .. .. .   | 32(c) |
| 11. No extension of responsible government  | 32(b) |

Para No.

- |  |       |
|--|-------|
| 12. The appointment of a special finance committee to make recommendations on the financial relations between the Central Government, the Provinces, and, if they agree, the Indian States .. .. . | 32(g) |
|--|-------|

## VICEROY'S EXECUTIVE COUNCIL.

- |  |       |
|--|-------|
| 13. No change is suggested except that a British Minister for Defence should be substituted for His Excellency the Commander-in-Chief as member of the Council .. .. . | 32(e) |
|--|-------|

## ROAD BOARDS.

- |   |    |
|---|----|
| 14. The Government of India should be given power to co-ordinate the work of Provincial Road Boards .. .. . | 34 |
|---|----|

## INDIAN STATES.

- |  |    |
|--|----|
| 15. The building up of a federation of the Indian States working through the Chamber of Princes with a view to the ultimate development of an All-India Government .. .. . | 37 |
|--|----|

## THE SERVICES.

- |   |    |
|---|----|
| 16. No further reduction of the British element to take place at present ..   | 42 |
| 17. The examination and removal of any legitimate grievances or apprehension with a view to attracting the best men into the Services .. .. . | 44 |

## PART II.

## EUROPEAN COMMUNITY.

- |   |       |
|---|-------|
| 18. That powers of responsible government should be subject to a statutory safeguard prohibiting discriminatory legislation against any particular communities in matters of Taxation, Professions, Trade, Industry and Commerce, and that the existing instructions to Governors with regard to discrimination should be continued .. .. . | 47    |
| 19. That adequate representation be given to European interests on Local Self-governing Bodies especially in Assam .. .. .  | 47    |
| 20. That the present rights of voting and representation in the Provincial and Central Legislatures be preserved ..   | 50(a) |
| 21. That European representation in the Legislative Assembly be provided for the Punjab .. .. .   | 50(a) |
| 22. That the right to a jury containing a majority of Europeans be preserved ..   | 50(b) |
| 23. That the right to State grants of the schools for Europeans be protected..  | 50(c) |

## ANGLO-INDIAN COMMUNITY.

- |  |    |
|--|----|
| 24. That the legal position of the Anglo-Indian Community be considered and defined and the community reorganised as one of the communities of India, and given increased representation in the Central Legislature .. | 53 |
|--|----|

## CONCLUSION.

59. *Conclusion.* The Council of the Association believes the Commission will recognise in the Memorandum which it has put forward, as well as in the work of the community's individual representatives in the various Legislatures, the goodwill of the British community towards India's political progress. The Council of the Association, in view of its responsi-

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[Continued.]

bilities to its Members, has only been able to make recommendation for a larger measure of Responsible Government in the Provinces on the understanding that adequate safeguards are provided, and it will be prepared to elaborate in oral evidence the nature of the safeguards which would meet these altered conditions.

The Council trusts that you and your colleagues

will, in the difficult and arduous task submitted to your care by His Majesty the King, receive the whole-hearted assistance of all those who have the true interests of India at heart, and that as the outcome of your deliberations the problem of Indian Constitutional development may be advanced a further stage towards its final goal.

### Deputation from the European Association.

(The Deputation Representing the Associated Chambers of Commerce of India and Ceylon also present).

The deputation consisted of:—

Mr. C. B. CHARTRES (President).  
Mr. T. D. EDELSTON (Vice-President).  
Colonel J. D. CRAWFORD, D.S.O., M.C., M.L.A.  
(General Secretary).  
Mr. W. H. THOMPSON, M.L.C. (representing Bengal).  
SIR ALEXANDER MACDOUGALL (Madras).  
Mr. T. GAVIN JONES, M.L.A. (United Provinces).  
Mr. G. H. COOKE, M.L.A. (Bombay).  
Mr. LANGFORD JAMES (Bihar and Orissa).  
Mr. T. J. PHELPS (Trade).  
Mr. T. A. CHALMERS, C.S.I., M.L.A. (Assam).

93. *The Chairman*: \* \* \* Is there in this elaborate Memorandum of the European Association any special treatment of the subject of Police? —(*Mr. Chartres*): No, sir. At the time this was prepared we thought you would be hearing our branches in the provinces, and as Police is a provincial subject the council did not deal with it in detail.

94. Of course, it is a subject which affects India as a whole?—Yes; but I may say that since then you have told us that you were not going to hear our branches. We called a conference last month in which every province in India was represented, and we have come to a unanimous opinion on the subject.

95. This is important, gentlemen of the Conference, because it is not to be found in the print, and I am anxious to hear what it is. The reference is to page 141 of the Memorandum. We are told at the bottom of page 141 that the Council of the European Association would be prepared, subject to safeguards, to recommend the grant of full responsible government to the provinces where such is recommended by provincial committees of the Association; and near the bottom of page 141 I read the following passage: "In those provinces in which European opinion believes that the conditions of the province require for the present the reservation of Law and Order, this department should be placed under the direct administration of the Governor, the cost being a non-votable charge." The detailed arrangements you will go into; but when you held your provincial conference, Mr. Chartres, I would like you to tell me, because I do not know, what was the view which was taken by the different provincial organisations of the European Association?—The view was that on account of the very great communal tension which exists in many provinces, it was felt it would be unsafe at the present time to transfer Law and Order to the administration of a minister who himself would be responsible to the House; we preferred the administration of Law and Order to be in the hands of a member who would not be a member of the Cabinet and who would work directly under the Governor.

96. If I follow you rightly, that means, does not

it, that as a result of this conference the European Association is to be understood as proposing the continuance of dyarchy?—A modified form of dyarchy; we are not prepared to see the transfer of Law and Order to a minister.

97. Why do you say "a modified form"? What is the modification?—We have transferred all the other departments, and we have not visualised a common sitting of the member and the Cabinet, which is an essential feature of dyarchy.

98. I am going to use the word "police" if you do not mind, because I think "law and order" is not a very happy expression, though it seems almost universally used. The real matters to consider are police, jails, the subordinate magistracy and the administration of justice, and they might easily be dealt with in different ways. Let us take the police. Is the proposal your Association would now put to the Conference that the money necessary in a province for the police should be voted or non-voted?—We would prefer to see it not voted, but dealt with in a similar way to that in which money required for the Army in India is dealt with in the Legislative Assembly; that is to say, the Governor at his discretion might throw the whole or one head of the vote open for discussion in the council.

99. I do not want to carry you too far, but it is important to see how this fits in. At present you have the Governor consulting his colleagues in a discussion where some of his colleagues will be executive councillors and some will be ministers, and they will all contribute, I suppose, to the discussion in the Governor's Cabinet even though the matter might ultimately be decided by the person in charge of the department concerned. But do you contemplate that the member who is going to remain in charge of the police will be part of such a Cabinet?—No, we contemplate him being outside the purview of the council.

100. *The Chairman*: You see, one of the difficulties in practice of such dyarchy as now exists is that police are not really wanted for their own sake. People do not want police for their own sake; they want them because from time to time it is necessary to use them for the purpose of maintaining order, or whatever it may be; and that may easily arise in connection with a transferred subject. If you have an Education Minister who pursues an education policy which is deeply offensive to a particular community, you may have a riot.

*Sir Hari Singh Gour*: There is the case of excise.

101. *The Chairman*: There are many such examples. A very good instance is one which arose in the Punjab—religious adowments connected with the Sikhs. That produced a very serious situation. I am not sure how one would visualise a plan by which the police were not only reserved (for they are that now) but by which the member in charge of them had no contact with the ministers administering transferred departments?—I did not mean that he should have no contact with ministers; there must be liaison with the Cabinet, of course. I meant

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{Continued.

that he should not have a seat in the legislative council.

102. You would not put the member in the provincial council?—No.

103. I see. You have made that quite clear to me in outline. Perhaps we might now deal with these "adequate constitutional safeguards." I wish to call the attention of the Conference to the fact that although on page 141 all you get is "(c) That there be adequate constitutional safeguards against legislation which discriminates \* \* \*," and that is all you get in the summary, there is another passage of considerable importance on pages 144 and 145 which deals with this matter in a good deal more detail; and I think we should be grateful to the Association for endeavouring to analyse the thing. May I take it that the sort of reasons which you set out in paragraphs 48 and 49 on pages 144 and 145 are the reasons which actuate you in asking for this form of safeguard?—Yes, I think those give the conditions as fully as we can give them.

104. I had better read a sentence or two. I see on page 144 you say: "there has been a persistent endeavour by Indians to deny its members" (that is, the members of the European community) "the full rights of Indian citizenship," and just below you say, "The Association feels compelled to protest against this attitude on the part of Government and of Indians, and claims that as in England the Indian has equality of status and legal rights so in India the Englishman should suffer no legal disabilities or unfair discrimination"; and you go on to describe the "attack which has been made on 'British Trade' as being very determined. In the middle of the next page you say 'the expressions of hostility by leaders of certain sections of Indian opinion make it plain that discrimination against Europeans either in legislation or in administration is a possibility,' and so on. Those, of course, are rather grave matters, and I think I should just put this to you: are those views the views which you have been led to form on a consideration of what has happened in the recent past?—They emphatically are, yes.

105. I do not wish to start a controversy, but I want to know what it is all about. Can you give me an instance of the sort of thing you mean?—Take the first point mentioned, about being considered as foreigners in this country. Quite recently, when a delegation had to be sent to represent India at the League of Nations, it was implied by speakers in the Assembly that British representatives from this country would be looked on as foreigners in such a delegation. We maintain we are citizens of India, living and working out here, and if appointed on such a delegation we are not foreigners, but citizens of India.

106. To take an instance, near the bottom of page 144 you say: "The attack which has been made on 'British Trade since the institution of the Reforms' has been so determined that the Association is 'forced to call the special attention of the Commission' to it. The Commission, of course, has a duty to listen to you, but you do not call our attention to it simply by stating that it happens. What is it that is referred to?—There are many instances we could quote. The Bombay Corporation, for instance, passed a resolution that no British goods were to be bought by their body.

107. By "British goods" do you mean goods made in Britain?—Yes. I believe they went further than that; I think "in any part of the British Empire" was the wording of the resolution. There have been other instances which have cropped up in the debates in the legislature, and finally there is the Shipping Bill, which discriminates very strongly against British trade on the coasts of India and against British interests.

108. I will not ask more, but I wanted to call attention to that, because the expressions are strong and definite and I wanted you to have the opportunity to call our attention to matters you had in mind?

—At the present time there is a very strong cry for a boycott of British goods.

109. You do not suggest do you there could possibly be any constitutional safeguard against that?—It is part of the agitation which is being carried on in favour of constitutional changes. (Mr. Edleston): In the Shipping Bill they specify that all the officers and all the men must be Indians. We object to that. We say we have just as much right to be employed anywhere as an Indian.

110. On the next page (page 145) you say (and if I may say so, very truly) that you recognise "that the restriction on constitutional powers must be 'capable of clear and exact formulation.'" I do not know if you will allow me (not in the least to embarrass you but honestly to get all the help we can) to ask you whether you would help by doing what the Associated Chambers of Commerce said they would do. You know much better than other people what you want. Would it be possible for you, with whatever assistance you think is useful, to let us see a draft of the sort of clause you have in mind?—(Mr. Chartres): We have been into this matter very fully and I am advised that until we know the actual form of the Bill that is intended to govern the new Constitution, it is very difficult to frame any clause which would give safeguards.

111. \* \* \* I agree it is very difficult, but I do not think it is difficult on that ground at all. Imagine, there are going to be legislatures in India that will have power to legislate for the peace, order and good government of British India. Now, what is the clause you gentlemen think should be put in the constitution for the purpose of limiting that general power of legislation? That is all. It does not depend in the least, if you will excuse me for saying so, on the precise way in which a legislature is constructed, does it?—I think it depends to a certain extent on how the powers of that legislature are defined in the Bill.

112. I think you had better assume the powers would be, in general terms and subject to anything introduced by your clause, powers to legislate for the peace, order and good government of British India. It is the ordinary thing, you know?—Set out somewhat on the lines of the present Government of India Act?

113. Yes, if you like. There are two clauses, one dealing with the powers of the Central Legislature and one with those of the provincial. Now, what would be the sort of suggestion you gentlemen would make if you were seeking to insert some anti-discriminatory clause? You see?—Yes.

\* \* \* \* \*  
116. \* \* \* —We shall be very glad to submit a draft clause.\*

117. I wish you would. Do not think that I am anxious to reduce this to logic-chopping; but really it is no good going on talking about safeguards in general terms unless someone will think out exactly what is meant, and how it would be expressed; do not you agree?—I agree, as long as the principle is admitted at the present time, that possibly we might be able to send a draft which would be useful; but it must not be understood that finally, if the Bill is greatly changed—

118. No one is seeking to pick holes in anything; but I really need some help.—We shall be very glad to refer the matter to our lawyers and submit a draft.

119. They will want to know what you mean. Lawyers can always write things down if you will tell them what you mean. Now, there are a few practical matters which I have not quite understood. Would you mind turning to page 142. I am really not quite clear whether your Association does or does not recommend that the number of nominated seats in the Legislative Assembly should be increased. Just look how the document is framed. It begins

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[Continued.]

at the middle of page 142. You first of all say you think a perusal of the proceedings of the Legislative Assembly will show that the anxieties of the authors of the Montagu Report were justified. "While admitting these defects in the present constitution of the Assembly, the Association is faced with the difficulty of submitting an alternative proposal"; and they want one which would secure the strengthening of the executive. Two alternatives have been suggested; the one is the Single Chamber, and the second an increase in the number of nominated seats. "Neither alternative has adequate support from our Association to justify our making a definite recommendation on this point." Well, that led me to think that you did not recommend it?—No, I do not think we did recommend either.

120. Another thing I had not quite understood on page 143. I do not quite follow what you mean by saying in paragraph 35 that the Association would recommend "the delegation of such powers to the provinces as to enable each province individually to deal with social reform." Would you just explain that a little? I do not appreciate what is the criticism?—May I allow Colonel Crawford to reply to that?

121. Certainly.—(Colonel Crawford) We have it in the Hindu Marriage Bill. Social reform is obstructed when it comes before the Legislative Assembly from the Government benches; not only obstructed, but ultimately turned into a communal question, and in the case of the Hindu Marriage Bill the Muhammadans came in. We have had the matter examined since submitting the report, and have found that the provinces had power to undertake social reforms if they chose to do it.

\* \* \* \* \*

124. It seems to me, Colonel Crawford, to take your instance, if the Governor-General gives leave it would be perfectly open now for a provincial legislature to legislate on the sort of subjects you have in mind?—(Colonel Crawford) Yes. I would like to see the legislatures doing it.

125. \* \* \* Is there anything which should be altered, you think, to make it easier to do? Do you think it should be within the power of the provincial legislature without any leave, or do you think you must leave things as they are?—I think social reform is one of the things they want to get on with, and anything that would make it easier within the provinces would seem desirable. I gather from our further study of the subject that there is no objection to the provincial legislatures doing it now.

126. Yes, but they could only do it now with leave?—With leave.

127. \* \* \* I am not quite clear to what extent your Association would recommend to us the abolition of the official bloc, either in the provincial legislature or in the Central Legislature?—(Mr. Chartres) In the provincial legislature we should like to see the official bloc done away with.

128. Altogether?—Entirely. In the Central Legislature, under the scheme that we have recommended here, I do not think it is possible to do away with it; otherwise Government could not carry any legislation whatever.

\* \* \* \* \*

129. Sir Hari Singh Gour : \* \* \* \* \* You have said on page 142, paragraph (f); "It is the general opinion that the non-official members of the Viceroy's executive council have not always been wise and suitable selections, particularly from the point of view of the legislative work they are called upon to perform. It is possible that the appointment of a member of the Legislative Assembly to the executive council might be an additional strength to the latter body." Is your opinion based upon experience of the members whom you return to the Legislative Assembly?—Yes.

130. Why would you suggest that the appoint-

ment of one member of the Legislative Assembly might be an additional strength? The more the better, I suppose?—(Colonel Crawford) We are not insistent on the "a." The principle is the thing.

131. At page 138, paragraph 15, sub-para. (6), you point out that "While the principles for which the Association stands remain unchanged in its history, its policy must be kept abreast of the times, and in conducting the affairs of the Association, the Council keep prominently before them the following aims, which were adopted in their present form by a General Meeting of the Association, held in the year 1926 . . . (vi.) The vital necessity for communal representation as the only practicable method for securing the British community's political position and a truly representative Government." You want to introduce into this country a representative institution, not necessarily a responsible one?—Representative.

132. Yes, but not necessarily a responsible Government? \* \* \* (Colonel Crawford) Representative government is the first step towards responsible government. Representative is all you can get at present.

135. You think it would be a "progressive realisation of responsible government" if you gave us representative government to begin with?—It would be a step in that direction.

136. \* \* \* As regards the Bombay Corporation resolution to which reference has been made, the fact that any corporation or body of corporations or the public at large make up their minds to buy only indigenous goods and not to buy British goods,—can that be safeguarded against by any Act of the legislature?—(Mr. Chartres) I did not refer to it as a thing calling for safeguards, but as an explanation of the passage to which the Chairman referred.

137. Do not you think if any safeguards of the character you desire are incorporated, it may jeopardise the whole of British trade by the public combining to boycott British goods even more than they do now?—I do not think so.

138. You think they will fall into a happy mood by feeling you have done them a great service by preserving your rights in the face of their national sentiment?—We are asking for something which we think is fair to us and will be of advantage to India.

139. And you think they will see the fairness of it?—I think so.

140. You think so. You mentioned the Hindu marriage law, and said you thought it should be provincialised. But if it is provincialised, do not you see what will happen? A girl in Bombay cannot be married unless she has attained the age of fourteen years, say, but it will only be necessary to cross the frontier, which may be a small river or even an imaginary line, to contract a marriage. Then how is the Bombay Government's law to be enforced at all?—(Colonel Crawford) You will get cases where people will take advantage of the conditions in other provinces, but you would get a certain advance in some provinces as you have in those Indian States to-day which have taken steps in the matter, and you will make some progress; whereas by constituting all your opposition in the Central Legislature you make no progress.

141. But marriage is an international institution, and marriage in one place is marriage everywhere, and, therefore, the Indian Legislature deals with these problems of All-India social reform; if it was localised in provinces the result would be what I have explained?—In America you have it localised.

142. I do not suppose you ask India to copy America?—I suggest to an ardent social reformer like yourself that you would get on quicker if you did this.

143. If I thought that, I would ask my friends in the local legislatures to deal with the question. With regard to the official bloc, you said just now in answer to the Chairman that you would remove the

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official *bloc* in the provinces, but would retain it in the Central Legislature. You retain it in the Central Legislature because otherwise you think the Government will not be able to carry on?—Yes.

144. Why do you remove it in the provinces?—(Mr. Chartres) Because in our scheme we are proposing responsible government in the provinces.

145. Do not you think the presence of the official *bloc* takes away officials from their normal duties, and if their presence in the local legislature is an impediment to the discharge of their duties (because they are drawn from various parts of the province) is not the trouble worse when you take men, say, from Burma and Assam to Delhi or Simla, merely to be voting machines, as was pointed out by the Associated Chambers of Commerce?—(Colonel Crawford) It may take men away from their districts, but it brings to the Central Legislature a vast store of administrative experience from the provinces which would not otherwise be available.

146. It was pointed out by the Associated Chambers of Commerce that they did not approve?—We have nothing to do with the Associated Chambers of Commerce.

147. I am just pointing out to you that they do not approve of these officials being turned into voting machines?—(Mr. Chartres) The remedy we have put forward is that those official representatives should be allowed to speak on the floor of the House and give their opinion on matters affecting their own province.

148. Would you give them a free vote?—On matters affecting their own province. (Colonel Crawford) On page 142, paragraph (d), we say: "The Association would, however, definitely recommend that members nominated to represent provincial governments should be free to speak and vote in accordance with the requirements of their province."

149. Oh, yes! In cases like the Meston award, and things like that. I am not dealing with that. I mean, are they to be the backbone of the Central Government, at their beck and call and voting with them if Government so desires?—(Mr. Chartres) Speaking generally, they must be prepared to support the Central Government, and Government has a right to expect its nominated members to support it.

150. As regards the recommendations of the Lee Commission, I find from your summary, at page 147, that you want the recommendations of the Lee Commission with regard to the Services to be adhered to. When you wish to give the measure of autonomy you propose in your scheme to the provinces, would you give effect to the recommendations of the Lee Commission to that extent? The recommendation of the Lee Commission was that in the transferred field the Services should be provincialised. So you are in favour of that?—For the subjects that are transferred; but for Law and Order, which we take to include not only the Police but the administration of justice—

151. I understand you use that loose phrase, "Law and Order," to include what the Chairman said?—What we call the Security Services. We consider they should be Central Services.

152. So long as in your scheme Law and Order is in charge of a member directly under the Governor?—Yes.

153. The difficulty I see in that scheme is this. Under the present law, the reserved departments of the provincial Government, though it may be responsive to the legislature, is not responsible to it, but is under the superintendence, direction, and control of the Government of India, and the Government of India is in its turn subject to the superintendence, direction and control of the Secretary of State. Would you make this member in charge of Law and Order subject to the superintendence, direction and control of the Government of India and the Secretary of State, as the case may be?—So far as his department is concerned he is responsible to the Governor; but the Government of India, we

visualise, must retain the final control over Law and Order in the provinces.

154. And you would not allow even a discussion in the provincial legislative council on the policy of the Government regarding Law and Order, without the special leave of the Governor?—Yes.

\* \* \* \* \*

158. \* \* \* *The Witness*: Our point is that in the Legislative Councils the voting power and responsibility should go hand in hand. We do not think that the provinces are ready yet, in view of communal tension, for the transfer of Law and Order and, therefore, we say that we would not recommend the transfer. We think the Councils will work better if the power of discussion and criticism is withheld from them on this reserved subject, while that power is retained in the case of those subjects for which the Councils have full responsibility.

159. Do you know what that will bring you to? It will bring you to this: Supposing at the commencement of the year the Governor says, "I want one lakh of rupees for the maintenance of my Police," and subsequently there is a riot and more money is required. Because the rest of the Budget has already been voted on there cannot be any re-appropriation. How are you going to find money?—Just as it is done at present—by a supplementary demand.

160. Supplementary estimates are put to the vote and because the amounts are votable there is re-appropriation?—(Colonel Crawford) For instance, if a war breaks out and extra grants for military expenditure are required, they would be taken on a supplementary demand.

161. No, it will not be taken. A case like that has not arisen since you and I became members of the Assembly: the position will have to be studied. But I have studied this, that if you split your budget into two parts, take a certain sum of money for your Police and make the rest votable, and if you require during the course of the year more money for the purpose of suppressing riots, you cannot have any re-appropriation?—You will have to provide powers for that.

*Sir Hari Singh Gour*: Do you then want that the Governor should have the power of dipping his hand into the votable part of the budget and to drag out as much as he wants? In other words, you want to convert the votable item into a non-votable item?

162. *The Chairman*: What is the position? First of all, let us take the question of the raising of money. If any additional money is needed to be raised over and above what has been raised in the ordinary way, there is a vote—is not there?—in order to carry the additional tax?—(Mr. Chartres) Yes.

163. And there may be cases in which, on the vote, the tax is rejected, and if the circumstances were so exceptional as to warrant it, none-the-less it might be passed under the special powers of the Governor-General. Normally speaking, any extra money that is needed is all voted. What I want to know from you gentlemen is whether the money that is to be spent on the Police under your scheme will all be voted?—That is not our recommendation.

164. I will put it in another way. Do you not contemplate that the taxes which produce the fund out of which the money will be taken will be voted?—Yes.

165. *Sir Hari Singh Gour*: You are referring to additional taxes, sir. Suppose the budget shows a surplus from which this money can be provided for and the Legislative Council says, "I am not going to raise additional taxes because there is money, but I will not give you money because you are outside my jurisdiction."

*Lord Burnham*: So far as I understand, the Association wants to put the expenditure on the Police in the same position as the expenditure on the Army.



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*The Chairman :* Or the High Court judges' salaries.

166. *Sir Hari Singh Gour :* That will do in normal times. If there is a sudden emergency and a demand for more money arises, then comes the difficulty. How would you be able to circumvent an impasse of this character? Did it occur to your Association how to get over it?—(*Colonel Crawford*) If a deadlock occurs, the Governor, being responsible for carrying on the province, will have to step in; he will suspend the House and call for a fresh House. As a last resort the Governor-General will step in.

167. Will the member in charge of Law and Order consult the ministers or will he act independently of the ministers?—(*Mr. Chartres*) For the control of his own department, no; but for the executive work of the province, yes; he must be in touch with them from day to day.

168. Supposing the ministers are of one view and he is of another, who is to criticise?—He must have the final control over his department.

169. I will give you a concrete example. The ministers say, "the excise prohibition policy upon which we have embarked requires a larger Police force." The member in charge of the Police says that because he has not got money he cannot keep more Police. Then?—The Governor and the member in charge of the Police must decide that point.

170. That is to say to that extent the member in charge of Law and Order and the Governor can overrule the ministerial side of the Government; in other words, you are going to give the member in charge of Police a hand in the transferred department while the ministers in the transferred departments have no hand at all in the reserved departments?—The position will be something like this: If the minister who wants prohibition to be enforced insists on more Police force then the member in charge of Police will go to the member in charge of Finance and say, "If I have to increase the Police force to that extent you have to give me more money." So the two ministers must agree before anything can be done.

171. But, Mr. Chartres, you cannot always think as to what will exactly happen; sometimes things may happen which you never thought of?—But you are putting only half the case; we should consider the whole case.

172. What want the High Courts should be centralised. Will the member in charge of Law and Order have anything to do with the High Court?—No.

\* \* \* \* \*

175. *Sir Hari Singh Gour :* I think your real object in taking away the High Courts from the control of the province is to ensure their impartiality and to see that, at any rate, justice is not diluted by communal, class or local interests?—Yes.

176. While you are purifying the High Courts does it not necessarily follow that in order to purify the subordinate judiciary you should put them under the High Court as they are in Bengal?—(*Colonel Crawford*) Speaking personally, yes.

177. *Sir Arthur Froom :* I have recently received, and I have no doubt the Conference has received, a revised Memorandum\* from the Punjab Branch of the European Association (E.Pun.195) setting forth some new suggestions. They say that "a special representative for British Interests in India be appointed by Parliament." Since this document has been issued after the European Association had sent in their Memorandum, might I ask you if this document of the Punjab Branch of the Association, which puts forward this startling suggestion, has received the concurrence of the Council of the European Association?—(*Mr. Chartres*) No. The matter had been discussed at a conference last year on a slightly different footing, but was turned down. Soon after we received this Punjab Memorandum we circulated it to all the members of our Council for opinion; they have all rejected the proposal. I

\* Not printed.

would, therefore, ask the Conference to take it as an expression of opinion only of the Punjab branch.

178. I have no doubt that you have read in the press and also heard elsewhere that the European Association has been described as a reactionary body. Would you like to tell the Conference what your position is?—I think that anyone who carefully reads our Memorandum cannot say that our Association is a reactionary body. I would like to amplify that and say that we have, as a body, loyally accepted the Declaration of 1917, and that since the Reforms were introduced our members have done their best to work them in every province, and that we, as a body, are only too anxious to see India develop on what we consider the right lines. If we appear to want to walk slower than some other parties in India, it is not because we object to the road, but it is because we want to progress steadily forward. The conditions in this country are very different from those of any other country where democratic institutions are in vogue, and we think that it is absolutely necessary to make certain of security at each step on the road before trying the experiment over the whole country.

185. *Sir Arthur Froom :* Have you any criticism or advice to offer on the administrative machinery of India?—The general opinion of our members is that the local self-government is certainly not operating in this country in a way which can be called satisfactory. In every province that I visited last year I found that our members had considerable faults to find with the administration of municipalities and District Boards; in fact, we have gathered a lot of information on this subject.

186. Do you think that much importance should be paid to the working of District Boards and Municipalities?—Yes; I think they are the foundation on which the whole political machinery in this country must be built. That is the school for the electorate, that is the school for the members who have to carry out self-governing duties. We look on these institutions as a very important part in the whole machinery of the government in this country.

187. Would you like to see closer co-operation between the Provincial Governments and the District Boards and Municipalities?—Certainly. There does not seem to be any power, or if there is power there is no inclination to use it, to compel these bodies to carry out their work in an efficient manner. I think that is a loophole in the present administration which ought to be closed up. On the other hand, I think that many of these boards are working under very difficult conditions because they have not got that machinery which used to exist in the days of the official chairman. The non-official chairman has come into control, but has not the same facilities, and these Boards are undoubtedly placed in a difficult position. That is why in our recommendations we suggest that there should be some service of executive officers for these bodies to help them in their work.

188. What is your experience of the handling of parliamentary business by officers who are trained mainly in the administration?—(*Colonel Crawford*) Not very satisfactory. I think there is a good deal of difference between a parliamentarian and an administrator.

189. Have you got suggestions to make?—I do not see why the leader of the House should not be a man with parliamentary experience in England. (*Mr. Gavin Jones*) I would also suggest that there should be a special Civil Service department for political purposes. Now and then we have men sent in as ministers (?members) who have no experience of parliamentary practice, and by the time they learn it they move away and somebody else comes in.

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190. *Sir Arthur Froom :* What is your opinion on the prospects of developing government on party lines in India? For instance, do you consider that adequate stability would be secured by a Minister voted by the House?—(*Mr. Chartres*) In the near future I cannot visualise anything but groups of

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different parties in the House, and I think it is very doubtful therefore if you can get stability in a ministry formed from those groups. Our experience during the last five years has shown that it is very difficult to get stability.

191. I notice—in fact I am aware—that in this Memorandum Second Chambers are recommended. It has been suggested at times that it is doubtful whether you can get adequate material to form Second Chambers. Have you any alternative suggestion, or do you still stick to the same suggestion?—Our opinion now, as the result of our last Conference, is that there is suitable material in each province for a Second Chamber.

192. On page 133, paragraph 13, you say, “whilst there are individuals who consider the Indian political problem an original one, which, owing to the complexities shown in section 1 of this Memorandum, needs original treatment, the majority have an abiding faith in their own political traditions.” You say there are individuals who consider that. Have they put forward any concrete suggestions in that connection?—We have had one or two very interesting suggestions. The first is a proposal for splitting up Provinces into States, and is really a copy of what was put before Mr. Montagu in Calcutta. The second is one put forward by Colonel Tandy, who was the head of the Survey of India.

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*The Witness*: Yes. He has suggested a very interesting readjustment of the whole administration in India. The administration of this country is performed through machinery which was designed very many years ago. Great changes have occurred, work has increased enormously, and many departments of the Government of India have had to be reorganised. For instance, many of the railways have been reorganised on the group system during the last five years. But throughout the country the old system of administration is still adopted, and I am not sure if a time like this, when changes are being considered, is not a very good opportunity also to go into the question of bringing the administration of the country up to date. It certainly is not up to date, and it certainly is not satisfactory at present.

193. *The Chairman*: Are you speaking primarily of the areas? I have read Colonel Tandy's book. It is largely concerned, not entirely, with the selection of suitable areas?—Yes, and also of any one department having to be sub-divided. That is to say, instead of the local government board office in Calcutta having to supervise every local board in the whole of the province, he would group them and have better inspection of districts. That is what all the big organisations in the world do, and speaking as a man who has had some experience of reorganising business matters in this country, it is a scheme that appeals a lot to me from the point of view of increasing the efficiency of the Government.

194. *Sir Arthur Froom*: There is another point, a point referred to by Sir Hari Singh Gour, and that is with regard to the departments which are transferred and which have, therefore, become provincialised. In this Memorandum you lay considerable stress on the retention of the British element in the Services. Now, take, for instance, one or two departments already transferred. I put a similar question to the Associated Chambers, and I consider it of such an importance that I should like to have an expression of opinion from your body. Take, for instance, education; we learnt not very long ago that the element of the All-India Service on the educational side has practically disappeared altogether, and I take it that in the other departments which are transferred, the transference bringing in its train the provision that recruitment must be provincial, the All-India element in those Services will equally disappear unless steps are taken to prevent it. Now, can you visualise any alteration in the Devolution Rules under the future Govern-

ment of India Act, or would you recommend that there should be some alteration which would preserve a certain element of the All-India Services in the departments administered as transferred? In referring to the All-India Services, I am not making any difference between the British and Indian element so long as they belong to the All-India Services, Indian Civil Service, or the Indian Educational Service, or the Forest Department, or the Police and so on?—I think that one of the conditions of the transfer of autonomy to the provinces must be that they will undertake to employ a certain percentage of the All-India Services in the different transferred departments, and the Security Services must be retained as All-India Services. The Government of India must have some field for training and recruiting its own staff, and it can only get trained men from among those who are employed in the provinces at the beginning of their career. I cannot visualise how the Government of India can possibly hand over everything to the provinces without insisting that the Security Services shall be manned by All-India Government men.

195. *Lord Burnham*: On the basis of the Lee Commission report?—Yes.

196. *Sir Arthur Froom*: We do not want to go outside the recommendations of the Lee Commission. They have been accepted in this country. I think the idea of the Association is that they do not want to go beyond them. In the statement of the policy of the European Association, one statement is to the effect that their aim is practical sympathy with the Anglo-Indians and Domiciled Community in their political aspirations. We heard, at Delhi, that the Anglo-Indian community regard their future in this country with a considerable amount of alarm; that they have been squeezed out from some of the Services in which they worked for very many years, such as the Post Office, Customs, etc. Can you suggest a remedy for this, as part of your declared policy is to try and assist these Anglo-Indians as far as possible?—We have dealt with this subject on page 146 of our Memorandum. I think the essential feature of the difficulty is an economic one, and the serious factor of it is that the great field for Anglo-Indian employment in the past has been the railways and one or two other large Government departments, in which they felt they had more or less a prescriptive right, and I do not think they took particular pains to keep themselves qualified for competing with other men who wanted to get into these Services. Indianisation has, undoubtedly, increased their difficulties very much in that respect. The only way in which they can be fitted to fight the economic battle is by better education, and we impressed that fact as strongly as we could on the Hartog Committee when we appeared before them. We thought that the Government of India should recognise the peculiar case of the Anglo-Indian community and provide some special facilities for their education.

197. That is your idea of the proper solution?—Yes.

198. With regard to safeguards, would you include in the clause referring to safeguards that these safeguards should be extended to all minorities in India?—Yes, certainly.

199. You are not claiming them exclusively for the European community?—No, certainly not.

*Sir Arthur Froom*: On Law and Order, I think our Chairman pointed out that Law and Order being outside the Cabinet of ministers, there would be a certain loss of cohesion. I think the Chairman gave an illustration about education.

*The Chairman*: The difficulty seems to be this, and any well-devised scheme must face the difficulty. Police is not departmental in the sense that some other subjects are departmental. There is medical administration, in order that people may get medicine. But the Police seems to be more or less like a condition on which everything else may be worked smoothly. You may want the policeman to regulate

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an election row one day and the next day you want his help because there is a dispute about a religious matter and so on. So it is difficult to treat that as a departmental subject by itself.

200. *Sir Arthur Froom*: The point is this. Whether or not it would so happen, it has been suggested that there will be some difficulty in this subject being in charge of a minister. I would suggest that there is some sort of arrangement like this now. In the case of trouble you call the military. The military is not under a minister and I have never heard of the military refusing to assist. So my suggestion is that there is something already obtaining which works quite smoothly, and there need be no fear that it will not work smoothly as has been suggested?—I think the balance of advantage lies in our scheme.

201. You suggest that Law and Order should be reserved and you have given your reasons. But is it your suggestion that in the provinces it should be reserved for all time, or do you visualise that in the future it could be transferred?—I visualise that in the terms of the preamble of the Government of India Act the matter would be reviewed, and as the country develops and shows the possibility of efficiency and stability in the working of the Councils, the time might come quite rapidly when it could be transferred.

202. You are not dogmatic about its being a reserved subject for all time?—Certainly not.

203. With regard to the Central Government, you state in your Memorandum that you do not propose that there should be any change in the Central Government for the present. But you state in the Memorandum, whether rightly or wrongly, that you would like to see how provincial autonomy works out in the provinces. At the same time you do not dogmatise that there should be no change in the Central Government for all time, do you?—Certainly not. As the course of events develops in the provinces, and if it is proved that this form of democratic government is going to work in India, I see no reason why the time when an advance in the Central Government could be considered should not come fairly rapidly. But at present I would not like to name any date whatsoever for even enquiring into it.

204. *Lord Burnham*: You use the word, "democracy" in the real sense or in the way in which it is used here? Do you mean a general franchise or anything of that sort?—It means that there would be elected representatives or some franchise to the Council, with ministers responsible to the Council.

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206 *Mr. Kikabhai Premchand*: You say, at the bottom of paragraph 2 (Memorandum by the Council of the European Association): "The British community in India, therefore, by right of its past labours, the constructive work it is carrying on to-day, and the immense financial responsibilities under its direct control, can claim the fullest hearing on the important problems which His Majesty has called on the Royal Commission to study." May I take it that you do not demand any special privileges or the continuance of any which might exist now?—No, we do not obtain any special privileges.

207. Do you not think that your community has received adequate benefit for its past labours? You say in paragraph 2, "by right of its past labours"?—(*Colonel Crawford*) We do not claim any special privileges for British trade against Indian trade or against the interests of India.

208. You had adequate benefit for your past labours, and there is nothing uncompensated now?—(*Mr. Chartres*) We do not ask for compensation. We merely put it forward as a reason for being heard.

209. You speak of "the constructive work" which your community claims to be carrying out. Will you enumerate the special works you have in mind and tell us whether those could not be carried

out by Indians?—The big works that we British have carried out, such as railways, irrigation, and other things; I do not think that India could have carried them out without British help.

210. Why?—Because immense financial resources were needed to do that, and I do not think that India would have had the necessary credits in the world's markets, to say nothing of the technical experience required in carrying out the works after you have got the money.

211. You mention in paragraph 4 of your Memorandum about the total capital controlled by the British community in India, and you claim that the immense import and export trade of India is largely the creation of Europeans. Would it be correct to say that this large trade could not have been developed without the support of the Indians and that it has brought great benefit and profit to your community?—I think it is quite right, that it could not have been developed without the co-operation of Indians. I think that modern India is the result of the work of British and Indians together, and I think that Indians have benefited equally with us in the development of the country.

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212. *Mr. Kikabhai Premchand*: \* \* \* Now, I will take paragraph 10. You ascribe there the cleavage between the Hindus and Muhammadans to (a) the political and economic dominance of the Hindu, and (b) the Reforms. As regards (a), do you agree that the relationship of the two communities may improve with the spread of education?—I think it ought to. Yes.

213. And as regards (b), have you anything to say to the criticism that communal representation in the Legislatures under the Reforms has accentuated the tension between the two communities?—I doubt if it has accentuated it. It existed before the Reforms were introduced.

214. Not in such an acute form?—No. The knowledge that power is being given out under the Reforms scheme has certainly accentuated it. It has been accentuated, not by communal electorates but by the scramble for power.

215. In paragraph 12, you quote with approval from the address of the Governor-General of the Philippine Islands in a passage in which he speaks of the relationship between political and economic interests. But you must be aware that the constant complaint here has been for many years that the economic development of this country is largely associated with the political and financial handicaps under which she labours? If it is definitely proved, Mr. Chartres, that Indian economic advancement has been retarded by her deficient political power and fiscal restrictions, would you not approve the concession of full Dominion status by progressive stages, the progress being as rapid as possible?—I think on that hypothesis I would, yes; and with the conditions that you specify.

216. Now, I will take paragraph 15. There you demand the maintenance by all constitutional means of the status of the British community in India. Can you, briefly, a few of the important rights of the British community to which you refer?—The right of the community to which we attach importance is the right of the right of trial by jury.

217. And would you give that to the other communities, also?—They have it at present. That is laid down in the Criminal Procedure Code at present, and we desire to have that right maintained.

218. You want that extra right now?—We have it at present, and we want to see it maintained. If you ask me how, I should like to say that it should be made one of the safeguards in the Act. We mention this briefly on page 145 in this Memorandum, but I would like to elaborate it and see it put in Section 65 of the Government of India Act.

219. *Sir Arthur Froom*: In any future Government of India Act?—Yes. It applies now.

220. But it is not statutory at present?—No.

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*Mr. Kikabhai Premchand :* You ask for protection of British minorities against racial or other aggression. What aggression of any nature have you observed that has been directed against British citizens in India?—We have had quite a number of cases recently.

221. Can you quote some?—We had the Spence case in Bengal. In Calcutta there was another case.

222. Was it simply because he was a British citizen that he got into trouble?—(*Colonel Crawford*) I will give you the details. There was a motor accident resulting in the death of an Indian coolie. The car was being driven by an Indian chauffeur; yet the coroner's jury to whom the case was taken gave a verdict of an act of negligent driving against the lady who was sitting in the car. That is the type of thing which is very frequently coming up before our Association. I only quote it as one instance.

223. In sub-clause 3, paragraph 15, you refer to the political aspirations of Anglo-Indians and the domiciled community. Can you mention the aspirations of this community that you particularly have in mind?—(*Mr. Chartres*) The extent to which we are prepared to support them is, I think, set out very fully in our Memorandum, page 146.

224. What have you to say to the popular impression that the Anglo-Indians and the Domiciled Community want all the privileges of the natives of India, and in addition want all the prestige, glory, and benefit of the British people?

225. \* \* \* *Mr. Chartres :* I think you will realise that their position as a community in this country is very very difficult.

*The Chairman :* I do not mind saying so now, publicly, because I feel extremely about it. I think you suggested that their difficulties are largely economic and social and not constitutional, but it is really quite manifest that these people through no fault of their own tend to be regarded on the one side as not Indian and on the other side as not British, and that is a very unhappy situation, if I may say so.

226. *Mr. Kikabhai Premchand :* In sub-clause (iv), paragraph 15, you say that there must be the assurance of a reasonable standard of efficiency in the Indian administration. May I ask whether you deem it necessary to debar Indians from their legitimate share in the administration on the ground of inefficiency?

227. *The Witness :* I think that unless Indians can give similar satisfaction as regards the same Services as Europeans there should be no discrimination made at all. (*Colonel Crawford*) In the districts the Indian member, though he is as good as the British member, does not get the same prestige from his own countrymen. The Indians themselves look upon the Indian members in that way. (*Mr. Gavin Jones*) I think it has a great deal to do with the European being impartial.

228. *The Chairman :* Neutral?—Yes.

229. Neither of one community nor of the other?—Yes.

230. *Mr. Kikabhai Premchand :* Do you know any other country wherein the sons of the soil are not allowed fully to participate in the administration of their own land?—(*Mr. Chartres*) I believe it is so in the Philippines.

231. In sub-clause (viii), paragraph 15, you stress the importance of the preservation and increase of British prestige. Does it not occur to you that this same prestige may be in danger owing to the increasing resentment of the people suffering from deterioration of their economic development?—This is an internal aim for the members of our own Association. It is the prestige of the British character and keeping up the level of the British character of all of our members. That was what was intended by this.

232. I will now take paragraph 18. You say that at the moment there is leniency towards inefficient and corrupt administration in local self-government.

Can you tell us to what extent Government are responsible for these conditions since they possess adequate powers effectively to deal with defaulting local bodies?—I am not quite sure that I agree with you that they do possess adequate powers. They possess the power of inspection of accounts and of dissolving and suspending local bodies, but they seem to have no intermediate power for driving the executive machinery. Also, I think, the whole attitude of Government ever since the Reforms were instituted has been one of rather letting things drift, waiting for public opinion.

233. *The Chairman :* Surely, the subject matter of this particular paragraph is a transferred subject, and the person who is responsible for its administration is an Indian minister?—That is so.

*Mr. Kikabhai Premchand :* Even then Government has power.

*The Chairman :* But the minister is the person primarily responsible.

234. *Mr. Kikabhai Premchand :* Then, in paragraph 23 (page 139) you say that the "existing" system of communal electorates must continue." On this question are you prepared to allow the Commission to be guided by authoritative Indian opinion?—(*Mr. Chartres*) What do you mean by "authoritative Indian opinion"?

235. You may say, moderate Indian opinion?—Of which class?

236. The Commission has got to decide which class?—Hindu or Muhammadan?

237. Both?—If the opinion is joint, yes.

\* \* \* \* \*

239. *Mr. Kikabhai Premchand :* \* \* \* In paragraph 24 and succeeding paragraphs it would appear that you oppose responsible Government in the Central Legislature. Do you think it probable that the people of India as a whole will rest content by anything less than full power to direct their own affairs, and are you aware of the present agitation advocating independence as the ultimate goal, and does not your recommendation really try to estrange such extremists?—We are quite prepared and do sympathise with Indian aspiration, but we consider that advance in the Central Legislature can only be made when the provincial legislatures have proved their ability to conduct the affairs of the provinces successfully. We do not believe that there is any desire for independence amongst the majority of Indians. It is the talk of a lot of rather extreme politicians who think that they can bring pressure to bear on the British Government to give way, but I do not think that they represent very many more than themselves, and I am quite sure that if there were anything like a genuine desire for independence in this country, we should not find a man like yourself on the Conference. (*Mr. Gavin Jones*) You said "people as a whole." The people as a whole do not know in fact about what is going on in the country. Only a small minority knows anything about it and very few of them understand it.

240. In your opinion, then, all this talk of independence is only an attempt at publicity?—(*Mr. Chartres*) That is right.

241. In paragraph 30 you say that the insistence on joint electorates is not entirely disinterested. Do you think that the insistence on communal electorates is entirely disinterested?—No; I do not think it is. I think it is also based on self-interest.

242. *Sir Abdelkerim Ghaznavi :* There has been a good deal of talk about representative Government and responsible Government. Do you not think that communal representation does not militate against responsible government? You can have responsible government and at the same time popular representation, can you not?—Certainly.

243. Then we heard something about separate electorates being responsible for accentuating communal feeling. I want to put the other side of the shield before you. Do you think that separate

22 January, 1929.]

DEPUTATION FROM THE EUROPEAN ASSOCIATION.

[Continued.]

## DRAFT CLAUSE.

Neither the Indian Legislature, nor any Provincial Legislature, Municipality or other Local Authority shall have power, without the consent of the Governor-General, to make or sanction any law, ordinance or other measure :—

- (a) which expressly or impliedly discriminates as between the races, creeds, or communities comprising His Imperial Majesty's subjects, or between corporations incorporated in any part of the British Empire as being or not being incorporated in any part of the British Empire, or as being or not being wholly or in part composed of members or directed by officers who are members of any particular race, creed or community, in relation to the exercise in India by the members of any such race, creed, or community, being subjects of

His Imperial Majesty, of any profession, calling or vocation, or the carrying on in India by them or by any such corporation as aforesaid, of any trade, industry or business upon equal terms in all respects with others of such subjects and corporations.

- (b) which levies any taxation, cesses, duties or other imposts, of whatever nature or kind, upon any persons being subjects of His Imperial Majesty as being or not being the members of any particular race, creed or community, or upon any Corporations incorporated in any part of the British Empire as being or not being incorporated in any particular part of the British Empire, or as being or not being wholly or in part composed of members or directed by officers who are members of any particular race, creed or community.

## Memorandum submitted by the Kanchrapara Railway Workmen's Union.

(REGISTERED UNDER THE INDIAN TRADE UNIONS ACT).

*India's claim to be one of the leading industrial States in the world and the position of her working-classes and their problems.*

India is generally believed to be only a supplier of raw materials for manufacture abroad. Our industries are described as hardly developed enough to make adequate use of our vast agricultural, mineral and animal resources. A few facts and figures taken from official reports would serve to dispose of this argument. Indian manufactures annually exported abroad are valued at £58,000,000. Indian railways have a larger mileage than in England. Jute industry, one of the largest in the East, comprising more than eighty factories capitalised at £12,000,000 or over 16 crores of rupees, employs over 300,000 men, women and children. They produce nearly 700,000,000 bags, 1,100,000,000 yards of hessian, valued at £28,000,000 (nearly 40 crores of rupees). The number of cotton mills, by far the largest industry in India, exceeds 270, and capital invested in them is about £16,000,000 sterling, or about 22 crores. More than 90 per cent. of share-holders of cotton mills and 50 per cent. of jute mills are Indians; about 4 lacs, including 50,000 women and 24,000 children, are employed in these cotton mills, and they produce about 700,000,000 pounds of cloth. Commercial agriculture or agricultural industry employs something like 71,000,000 persons, including smallholders, farm servants, field labourers, and workers in organised plantations, viz: tea, coffee, indigo, and cinchona. The tea industry, in which more than £12,000,000 sterling (about 16 crores of rupees) is invested is the most important in India from the workers' point of view, as it employs more than 1,000,000 persons, including a very large number of women and children. Railways, however, employ very large number of hands, viz: 800,000, as many as in Great Britain and Ireland. River, road, telegraph and telephone services employ 1,000,000 Indians and Anglo-Indians. There are about 200,000 miners employed in coal mines in Bengal, Behar and elsewhere, and they produce 21,000,000 tons of coal, as against Belgium's production of 22,750,000 and Japan's 28,000,000. An Indian collier's efficiency may be judged by the fact that he wins on an average 188 tons of coal a year, whereas a Japanese miner raises only 96 tons, a Belgian, noted for his mining skill, 130 tons, a British miner 196 tons a year. Coal is worked almost everywhere on piece rate. A comparison of wages in India and abroad would be interesting. An Indian collier is paid about 1 rupee (or about eighteen-pence per ton), calculated on ten annas or a little less than a shilling per tub of coal cut and raised above ground. A Belgian is paid at least eight times, a Japanese five times, and a British miner more than twelve times. Marine transport finds employment for 141,000 Lascars, whereas Japan, Germany, Italy and France employ 137,000, 11,000, 60,000 and 44,000 marine workers, respectively. India, therefore, ranks very high so far as shipping employment goes. Metal industries, including iron and steel works, arsenal, arms factories and engineering works, employ about 170,000 hands, besides a few hundred thousand employed in chemical products, food industries, leather, building, gas and electric works. At the lowest estimate, over 12,000,000 workers are employed in organised industries in India and support a non-agricultural population of 00,000,000.\*

These 12,000,000 workers—Hindus, Moslems, Sikhs, Christians, Anglo-Indians, including a large number belonging to the backward and depressed classes—earn their bread by the sweat of their brow, and a large majority of them strained their last ounce

of energy to produce arms, ammunitions and goods for the successful prosecution of the last war. They have their own peculiar problems, very different from those of their compatriots clamouring for political power. It is true that they are protected to some extent by industrial legislations, viz: the Indian Factories Act, Indian Mines Act, Assam Labour Act, Workmen's Compensation Act, the Indian Trade Unions Act; but these Statutes passed recently have only conceded them their elementary rights enjoyed by workers in other civilised countries for many many years.

A vast majority of our industrial workers have been kept ignorant of letters, and their moral and material progress has been indeed very slow, on this account alone, viz: illiteracy. This Union quotes from "India's Working Classes and their Problems," written by Mr. K. C. Roy Chowdhury, Labour Member, Bengal Legislative Council, and a delegate to the Fifth International Labour Conference, by far the greatest living authority on Indian labour. Speaking of the Sonthal and Baurie Coal Miners of Bengal and Behar, drawn from the most backward classes, amongst whom (unlike other industrial workers) not even 1 in 500 is primarily educated, Mr. Roy Chowdhury says: "It is a notorious fact in the coal industry that a Sonthal or a Baurie miner and his wife work rather leisurely to earn just enough to pay for their scanty food and clothes and their favourite intoxicant, *Pachwai*, a kind of spirit made from rice. The drink evil is playing havoc with the energy of one of the best sections of our industrial workers of India, namely, coal miners, and is not infrequently encouraged by the mine owners, who allege that drink is an incentive to work harder and earn more money. The depravity and economic subjection of the coal workers are without a parallel in any other industries in British India, and a good deal of their degradation is due to the indifference of the Indian and European industrialists. It is not merely the low wages paid to the miners nor their bad housing, but callousness on the part of a large section of coal owners towards the welfare of their employees that brought about the sad state of affairs in the coalfields. Can anybody imagine greater depravity of human mind than the refusal of the present-day coal miner to work more than three days a week when he knows quite well that he will earn twice as much if he worked the full week of six days?" Coal mining has paid colossal profits in the past to Indian as well as British owners, and the District Boards, as well as the Mines Boards, have raised handsome cess and taxes; but no serious thought was ever given to the introduction of primary education or the elimination of the drink evil, and no one ever raised his finger against the rapid deterioration (morally, physically, and mentally) of mining labour. Destruction of home and family life due to employment of miners' wives underground has proceeded for the last three or four decades. The Government has only very recently realised its responsibility to check this by a prohibitory order.

Industrial figures given above should impress on the Commission the importance of India's working classes, and the necessity of giving them a definite share in shaping of the future administration of the country. Apart from the question of illiteracy and intemperance, housing and sanitation are of the utmost importance. Mr. Thomas Johnston, Labour M.P. for Dundee, who visited our jute mill area, said in his report: "Two-thirds of the workers in this industry, which makes 90 per cent. dividends for the shareholders, are housed in vile, filthy, disease-ridden hovels, called bustees." Mr. Arthur Purcell, Labour M.P. for Forest of Dean, accepted the invitation of our Union and visited Kanchrapara in December, 1927, and has equally and strongly condemned bad

\* Figures illegible.

housing, overcrowding and insanitation in industrial areas.

Still another millstone round the neck of mill hands and miners—in fact, each and every wage-earner, is the scourge of Usury. Industrial and mining settlements are infested with Afghan money-lenders, who exact a minimum interest of 150 per cent. on small loans, and squeeze the life's-blood of workers if they fail to repay. This Union knows of several cases where twenty to thirty rupees were realised on unpaid principal of ten rupees. At the lowest estimate, 300,000 jute mill operatives pay at least 5 lacs of rupees (about £40,000 sterling) in interest alone. It is perfectly true that we have a wonderful co-operative credit organisation in Bengal with over ten thousand societies and 500,000 members and six crores (about £4,000,000 sterling) as working capital. These are mostly agricultural societies and do not in the least benefit industrial workers. There is hardly a single co-operative society for distribution of foodstuffs or clothes in the industrial area of Bengal. Workers are fleeced right and left by grocers who supply bad foodstuffs, give short-weights and charge high prices. No serious thought was given, either by the Co-operative Department of the Government or the Employers or the Mill Municipalities or any public bodies to help the helpless workers who produce the wealth of the country, to start credit societies, co-operative stores or co-operative housing.

Industrial workers excepting on Government and Railway Services hardly participate in any provident or benefit funds, or insurance schemes. There is no such thing in this country as death or sick benefit and unemployment benefit or any kind of dividing funds. The result is that if a bread-winner of a family falls ill for a few weeks, the trinkets and pans and pots of that family go to the pawnshops and if he dies the widow and children swell the ranks of India's wonderful beggar battalions. These schemes of benefits and insurance are no doubt within the scope of labour unions, but unfortunately these unions are very slow in coming, and those that exist with some exceptions are more or less innocent of all constructive plans. The predominating idea among educated organisers of trade unions, with some honourable exceptions, is strife or fight with employers on any excuse and to disturb in the language of the Montagu Report "the placid contentment of workers." What has taken more than three-fourths of a century for the British trade unionists to achieve, namely political power, through the British Labour Party, our Indian Trade Union Congress, founded by prominent politicians in 1920 with not even fifty strong Unions at its back, and a membership of 100,000 out of several million workers, wants *ec dum* or at once. Destructive politics has become the cry of the bosses of these unions, and all sorts of people from an aristocrat to a school master are competing to capture this baby congress and to use it as a tool to grind political axes. Take, for example, the fantastic resolution passed at the Cawnpore sitting of the All-India Trade Union Congress in November, 1927, viz., Boycott of the Statutory Commission at the instance of prominent politicians having little or nothing to do with labour. This union assures every member of the Commission that not even one out of 100,000 industrial workers knows anything about this resolution or its purport. Royal Commission is absolutely Dutch to them. In fact when the vice-president of this union mentioned Simon Commission to members of Barabazar Labour Union, of which he is the secretary, a prominent worker stood up and inquired, "What summons is this?" He thought it was a summons from a court. He could not with best efforts explain to his comrades what this Simon Commission was, excepting to half a dozen semi-literate members. Such is the unfortunate ignorance of our workers in whose name and on whose behalf the mysterious resolution of the Labour Congress was passed. All over the world

Trade Union Congress or Federation does not precede but follows growth of unions, but unfortunately in this country the cart was and is often placed before the horse, and the Congress was ushered in before the advent of many unions. The Congress, besides helping Labour M.P.'s and foreign communists to go about studying labour conditions in India and passing fancy resolutions, functions as a splendid agency for a trip or delegation of many of its patrons to Switzerland to attend Labour Conferences at Geneva. The Government of India, prior to 1924, ignored all recommendations of this body and chose best labour delegates for Geneva, e.g., Messrs. Joshi and Roy Chowdhury and others in agreement with most representative labour organisations, but found itself in a tight corner in 1924, and was obliged to recognise the agency and to accept its recommendations in selecting delegates and advisors, partly on political grounds. The result was that since 1924, political barristers and pleaders, including our late lamented leader Lala Lajpat Rai, were nominated delegates. This Union believes that if the Government withdraws its recognition of this agency the Congress will collapse.

The Trade Union Congress at a special sitting considered representation of labour in legislatures, and prepared a scheme that the Congress should be treated as a special constituency like the Chamber of Commerce and allowed to return 12 members to the Legislative Assembly, and its Provincial Committees, or Federations, should be likewise treated as special constituencies for Provincial Councils and return 12 members for Bengal, Bombay and Madras each, 8 for Behar and Orissa, United Provinces, the Punjab and Burma, and 6 for Central Provinces and Assam, and its claims are based on the ground that employers have 20 seats in the Central Legislatures and 15 seats in Bengal Council, viz., Bengal Chamber of Commerce 6, Indian Jute Mills Association 2, Indian Tea Association 1, Indian Mining Association 1, Calcutta Trades Association 1, Bengal National Chamber of Commerce 2, Bengal Marwari Association, Bengal Mahajan (Merchants) Sabha 1. The Union agrees with the principle that Labour should no longer be represented by nominated seats either at Delhi or in Provinces, although it is admitted on all hands that Government nominees, like Mr. K. C. Roy Chowdhury in the Bengal Legislative Council, have rendered unique services to the cause of labour; but times are fast changing and Government nominees in spite of their brilliant record of services inside the Council Chambers, as well as among workers, are looked upon with a certain amount of disfavour by political leaders, who use the procedure of appointment by Government as a handle to decry and disparage Government nominees on the belief that the nominees must always vote with the Government. This belief is ill-founded, for Mr. N. M. Joshi, the Government nominee, has voted against Government on a score of divisions, and Mr. K. C. Roy Chowdhury, in Bengal, defeated the Government on several occasions and carried his labour resolutions in the teeth of Government opposition.

Indian workers with their multifarious problems of education, housing, sanitation, cheap credit facilities, insurance, minimum wages, old age pension, training or apprenticeship, shorter working hours, and better wages are deeply interested in self-government, but the present political cry among educated classes who are far outnumbered by the working classes, viz., substitution of the white bureaucracy by the brown bureaucracy, does not appeal to them. We all know that protection of Indian masses is one of the main justifications of the British rule in India, and unless and until our political leaders, who often speak in the name of the common people, justify their claim to stand by the millions of workers, who are hitherto treated and described as *chotolokes* (humble folks), coolies (mean labourers) by members of middle and upper classes, we must demand and secure our own political protection. History often repeats itself. In 1931,

India is to have a revised constitution. In 1831, wealthy Whigs in Britain, who made money out of great industrial development, agitated for the Reform Bill, and workers were assured that the reform would ensure self-government for them. The Bill was passed with the help of common people, but the common people had to wait more than 50 years to get real self-government. We want to benefit by that experience, and avoid the mistake of trusting influential politicians. Nothing short of adult suffrage would really enfranchise the working classes, but, unfortunately, their illiteracy and hopeless economic position and indebtedness, as well as their subjection to landlords in their village homes and employers in towns and up country, will not afford them a fair chance to exercise their franchise freely in their own real interest. In short, employers, landlords and professional politicians and money-lenders will exploit them and for several years to come will dictate to them for whom to vote. Therefore, adult suffrage is unthinkable in face of widespread illiteracy and vastness of population (60,000,000 would be eligible to vote as against about 6,000,000 voters on the electoral roll.)

*Recommendations.* (a) Local self-governing bodies being the initial training ground for responsible government, and as these bodies are responsible for sanitation, housing and pure foodstuffs the Union strongly recommends that franchise be lowered to a minimum in municipalities, in mill and industrial areas, where elections are held, or in the alternative special electorates for representation of workers where there is no election and adequate number of seats be earmarked for labour representatives. It is perfectly scandalous that there is no such thing as election of Commissioners or Councillors in most of our jute mill municipalities, and they are appointed by the Government. Take, for example, the municipality of Bhatpara, 22 miles from Calcutta on the river recently visited by His Excellency Sir Stanley Jackson, on the invitation of Kankinara Labour Union—number of jute mills within the municipal area, 12; with 8,825 looms employing about 50,000 mill hands who receive about Rs. 10 lakhs as wages every month; total population about 67,000; income from taxes, etc., Rs. 1,25,000, of which Rs. 50,000 is paid by mill hands as house and latrine tax. There are 10 seats on the municipality. The Government have appointed 10 European mill managers, 8 educated Rai Bahadurs, doctors and landlords and only one Moslem connected with a jute mill, and have forgotten the claims of workers. Bhatpara, being the origin of the factory labour movement of Bengal, was visited by Socialist members of Parliament who came to India, including Messrs. (now Sir) Oswald Mosley, Pethick Lawrence, Right Hon. Thomas Shaw, T. Mardy Jones, Tom Johnston and Arthur Purcell. They have unanimously condemned the insanitary condition of the municipal area. Mr. Tom Johnston, M.P., who visited Bhatpara in November, 1925, described the workers' dwellings known as bustees as "vile, filthy, disease-ridden dung heaps" in his report to Dundee Textile Workers Union.

(b) As the growth of a sense of responsibility is dependent on the spread of primary education, the municipalities in industrial areas should be empowered to levy a special levy on employers for education of workers' children. The principle of taxing employers for the benefit of employees is justified in India on the ground that, with some honourable exceptions, industrialists reap rich harvests owing to cheap labour (the shareholders of jute mills have received on an average 80% dividends for the last 10 or 12 years) and are reluctant to spend any money in industrial welfare work as they do in America, Britain and elsewhere. Secondly, Indian industrialists often complain of want of efficiency on the part of workers, and do not realise that illiteracy is the main cause of inefficiency, and they must bear a portion of cost of education of their employees' children.

*Provincial Legislatures.* (a) The Union does not urge any extension of the present franchise, as a fair trial has not been given to many thousands of the existing illiterate and semi-literate voters to acquire political education or appraise the value of the vote.

(b) The Union is not convinced of the necessity of scrapping communal electorates, but recommends the formation of additional special constituencies for working and depressed classes, who are practically in the same boat as political privileges go. Protection of workers' interest in the present state of affairs will be secured if at least six seats are allotted to representatives of labour in Bengal Legislative Council, representing a special labour electorate to consist of members on the Register of Trade Unions registered in Bengal under the Indian Trade Unions Act passed in 1926, with almost unanimous approval of trade unions in India. The Trade Union Congress according to its resolutions wants to be recognised as a special constituency on the same ground as Bengal Chamber of Commerce is made a special electorate for Industry and Commerce. However, the history of the two different institutions differs. One is over 75 years old and is still going strong, and inspires the confidence of not only the mercantile community but the general public as well for straight dealings and strong fight on behalf of its constituents. This cannot be said of the new-born Trade Union Congress, which is financially very poor (Statement of Account for 1927 shows a receipt of Rs570, as affiliation fees, and a credit balance of Rs55/12/6). It handles Moscow money for legal defence of Communist agents in India. It directs political action (demand for release of political prisoners, boycott of Simon Commission, approval of the movement of workers and peasants of China for political emancipation, election of Pandit Jawaharlal Nehru, promoter of Independence League as President of the Trade Union Congress at Jheria sitting, affiliation of the Congress with the League against Imperialism, adoption of the resolution, viz., Socialistic Republic for India), without consulting constituents whose interest in high politics is very remote indeed. Mahatma Gandhi, who roused mass consciousness in India, is almost worshipped by workers throughout the country, withheld his permission to affiliate the Textile Workers' Unions of Ahmedabad (by far the best organised and most prosperous labour organisation in India) to the All-India Trade Union Congress. The Congress affiliates any union (real or nominal) on receipt of Rs10/-. Apart from its political aspects the constitution of this Congress is such that a few designing persons, creating a score of paper unions in the course of a day or a week, can capture the Congress lock, barrel and stock, and declare in the name of Labour that all Indian workers favour Communism and broadcast its declaration all over the world. Registered Trade Unions are normally treated as bona-fide unions, for the Act provides that no union shall be registered unless it has a written constitution in accordance with the provisions of the Act, viz., the objects of the union—purpose for which funds shall be applied—maintenance of a list of members and facilities for the inspection of books and registers, audit of accounts, and admission of ordinary members who shall be actual workers, plus a modicum of honorary members who may be outsiders, but the most wholesome section of the Act to avoid political exploitation of labour is section 22, viz., that no less than one half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected. There is no such rule of the Trade Union Congress which has in its present Executive Committee a president, all the vice-presidents, the general secretary, and practically ninety per cent. of its members are outsiders and not connected with any industry.

*Central Legislatures.* The Union recommends the abolition of direct election to the Legislative Assembly, and favours indirect election by provincial Legisla-



24 January, 1929.] DEPUTATION FROM KANCHRAPARA RAILWAY WORKMEN'S UNION.

tures and recognised public bodies representing landholders, depressed classes, labour, capital and other interests. Labour in the opinion of this Union should continue to be a central subject, and all laws affecting it should be acts of the Central Legislature where labour should be adequately represented. The Union recommends that at least four seats to be allotted to representatives of Bengal Labour in the Assembly, and one in the Council of State. The electorate should be a special one and should consist of office bearers of all registered trade unions. Some device should be made so that each of these five representatives is associated with labour in the principal industries of Bengal, viz., jute, coal, shipping, railways, and tea.

*Provincial Government.* The Union favours grant of full responsible Government to the Provinces without any reservation of Law and Order. In fact past activities of police during many strikes and lockouts have created strong suspicions in workers' minds that the members of the police force took sides with employers and their actions were not often

bona-fide. Hence the necessity of keeping police under the control of a responsible minister. The Union favours the establishment of Second Chambers in the Provinces.

*Central Government.* The Union does not favour any change. It urges, however, strengthening of Viceroy's Executive Council which should include at least three elected members of the Assembly. Grant of responsibility in the Central Government will not be conducive to the welfare of the labouring classes as long as the present system of social inequity continues. Men of leading and light are still very slow in appreciating dignity of manual labour which is not only treated as merchandise but considered as not worthy of its hire. Our social system is such that manual workers or producers of national wealth are ranked as members of lower order of human beings. Until and unless this old order changeth, the Indian workers feel very strongly that any large transfer of power from British bureaucracy to brown oligarchy will only strengthen the hold of classes over masses.

## CALCUTTA.

24th January, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE (EXCEPT SARDAR SHIVDEV SINGH UBEROI) AND OF THE BENGAL PROVINCIAL COMMITTEE.

### Deputation from the Kanchrapara Railway Workmen's Union.

The deputation consisted of :—

Mr. B. C. MANDAL (Vice-President).  
Mr. LATAFAT HOSSAIN, M.L.C. (Vice-President).  
Mr. SINGESWAR P. SHA, Member, Executive Committee.  
Mr. P. B. SUR (Secretary).  
Mr. G. N. KURMI (General Secretary).

105. *The Chairman (Lord Burnham) :* You represent the Kanchrapara Railway Workmen's Union, which is registered under the Trades Unions Act, and which was founded in 1927 ?—(Mr. Mandal) Yes.

106. And its object is the betterment of the conditions of the employees of the railway carriage and wagon shops at Kanchrapara ?—Yes.

\* \* \* \* \*

107. *Mr. Hartshorn :* I would like first of all to ascertain what is the membership of the organisation which you represent here to-day ?—It is 1,600. This is only the Kanchrapara Railway Workmen's Union.

108. That union has a membership of 1,600 ?—Yes.

109. Yes ?—But we have got members from other unions also.

110. I gather from your memorandum that you hold the view there are *bona fide* trade unions in India, and there are also bogus trade unions ?—Yes.

111. I should like to know whether there are other unions you can mention which you regard as *bona fide* ?—Yes. I can give you the names. There is the Bengal Mariners' Union—

112. And there is a union for the jute mills ?—Yes, and it is called Kankinara Labour Union.

113. What is the membership of that organisation ?—5,000.

114. Is there a Clerks' Union in Calcutta ?—Yes.

115. How many members have they ?—About 1,000. I am a member of that union also.

116. Is there a printing trade organisation ?—Yes.

117. It is called the Press Employees' Union, I think ?—Yes.

118. What is the membership of that ?—I have not the figure for that.

119. What about the Bengal Mariners' Union ?—Yes, that is a proper union.

120. What is the membership of that ?—About 2,000.

121. Have the Corporation workers a union ?—Yes. They have got about 1,500 members.

122. They have a union with a membership of about 1,500 ?—Yes.

123. What about the Calcutta Tramwaymen's Union ? What is the membership of that ?—That is also a good, registered union, but I cannot tell you the exact number of members. It may be about 1,000.

124. But you do not know ? Have the Registration Office employees got a union ?—Yes. That is also a good union.

125. Do you know the membership of that ?—Yes, about 500.

126. Have the scavengers got a union ?—Yes.

127. What is the membership of that organisation ?—That is a big union, with about 3,000 members.

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[Continued.]

128. Now, would you say of all these unions that they are *bona fide* trade unions?—Yes.

129. The whole of those that have been mentioned?—Yes.

130. *Sir Arthur Froom*: Are they all registered?—All those are not registered; only nine are registered.

131. *Mr. Haythorn*: I will come to that in a minute or two, but first of all I should like to know whether the Memorandum which you have submitted to the Commission has been submitted to the membership of your union?—It was explained to the members. The Memorandum was drafted beforehand, and at a meeting it was explained to the members in Hindi, Bengali and Urdu.

132. And they agreed that this Memorandum represented their views?—Yes.

133. I should like to ask a few questions on the Memorandum. I notice in the first place you emphasise the importance of the great industries and public services in India?—Yes.

134. You say the Indian railways have a larger mileage than the railways in England?—Yes.

135. And that about 800,000 workpeople are employed on them?—Yes.

136. You say the jute industry has about eighty factories with twelve millions of capital, and employs about 300,000 workpeople?—Yes.

137. And that the cotton mills are more than 270 in number, that the capital invested in them is about sixteen millions, and that they employ, I think, about 400,000 people—4 lakhs?—Yes.

138. Then you deal with the tea industry, and you say that in that industry about a million workpeople are employed?—Yes.

139. You say about 200,000 are employed in the mines, about a million in river, road, telegraph and telephone services, about 141,000 in marine transport, and so on?—Yes.

140. Having emphasised the importance and magnitude of these great undertakings, you say the millions of workers employed in these great undertakings have their own peculiar problems, very different from those of their compatriots who are clamouring for political power?—Yes.

141. And you suggest that these workers, organised in their trade unions, should be treated separately and apart from such political organisations as have been built up in India?—Yes.

142. That is your general contention, is not it?—Yes.

143. I am very interested in what you say about the Trade Union Congress in India. I notice you say the Indian Trade Union Congress was founded by prominent politicians in 1920, with not even twenty strong unions at their back, with a membership of 100,000 of several million workers, and that they want the millennium *ek dum*, which, I think, means at once?—Yes.

144. They want everything at once?—Yes.

145. Then you go on to say that destructive politics has become the cry of the bosses of these unions, and all sorts of people, from an aristocrat to a schoolmaster, are competing to capture this baby congress to use it as a tool to grind their political axes. You give as an example the "fantastic resolution" passed at Cawnpore at the Indian Trade Union Congress in November, the resolution for the boycott of the Simon Commission. You say that this was passed at the instance of prominent politicians having little or nothing to do with labour, and that your union assures every member of the Commission that not even one out of the hundred thousand industrial workers knows anything about the resolution or its purport?—Yes, that is quite true.

146. That is your idea of the contract of the political heads of the Trade Union Congress. Then you go on to point out that under the Trade Union Act, which was passed, I think, in 1926 and came into operation, I believe, in June, 1927, only *bona fide* trade unions which have submitted their rules

to the registrar and which have been approved by the registrar can be registered at all?—Yes.

147. And that the Act provides that all such *bona fide* registered trade unions shall set forth the objects for which they have been formed, the purpose for which they have collected funds and the purposes to which those funds are to be applied, and that the registrar is to have facilities for examining the books and accounts of the trade unions, and that in each case the union must render to the registrar a return of the membership and of the officials connected with the organisation?—Yes.

148. The Trade Union Act, I think, lays it down, as you point out in your Memorandum, that the officials of a registered trade union must consist of at least fifty per cent. workers employed in the trade?—Yes.

149. You say that in the Trade Union Congress no such rule or regulation applies?—That is the fact.

150. That is what you say, and when you urge that the trade unions should be used as a separate electorate for the purposes of securing representation for organised workers, you say it is the registered trade unions which should be accepted as the unit?—Yes.

151. And not the Trade Union Congress?—That is so.

152. I notice you say, on page 160 that a special sitting of the Trade Union Congress considered the representation of labour in the legislature and prepared a scheme by which the Congress would be treated as a special constituency?—Yes.

153. Like the Chamber of Commerce?—Yes.

154. And that they should elect 12 members to the Legislative Assembly, and that the provincial committees or federations should likewise be treated as special constituencies for the provincial councils, and should return 12 members in Bengal, Bombay and Madras, 8 in Bihar and Orissa, the United Provinces, the Punjab and Burma, and 6 in the Central Provinces and Assam, these claims being based on the fact that the employers have 20 seats in the Central Legislature and 15, for example, in the Bengal council; and you enumerate the employers organisations which have those seats?—Yes.

155. While you seem to agree it is right that labour should have representation as such, just as the employers through their organisations are directly represented, you think the proper way to get that representation is not through the Trade Union Congress, but in each of the provinces through the registered trade union organisations. I think that is the position you are putting up, is not it?—Yes.

156. Coming to your recommendations, you deal first of all with local self-governing bodies?—Yes.

157. You regard them as a training ground for responsible government?—Yes.

158. You say they deal with sanitation, housing, pure foodstuffs, etc., and you say that for municipalities, you strongly urge that there should be a lowering of the franchise qualification?—Yes.

159. Or if the franchise is not so lowered as to ensure the return of a number of labour members, then you say you ought to have some representation by nomination. I think that is what you are asking for in the case of municipalities, is it not?—Yes, but we do not want nomination; we say that the franchise should be lowered, and that in municipal areas where election is not practicable members of unions should be nominated if such union exists, or in any case representatives of labour should be appointed.

160. Let me just read it: "... the union "strongly recommends that franchise be lowered "to a minimum in municipalities, in mill and "industrial areas, where elections are held or in the "alternative special electorates for representation "of workers where there is no election and adequate "number of seats be earmarked for labour representatives." Then you point out that on some of these municipal boards the whole of the seats are given to

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the employers, and no consideration is given at all to the working classes and no representation is given to them and you think that is very unfair and ought to be altered?—Yes.

161. When you come to the provincial legislature you suggest that at least six seats should be allotted to representatives of labour in the Bengal legislative council, and that those should be elected by a special electorate consisting of members on the register of trade unions registered in Bengal under the Indian Trade Unions Act. So that what you are asking in local self-government is that the franchise should be reduced substantially and such arrangements shall be made as will ensure labour representation on the municipal boards. In the provincial council you say that you should have the right to elect by a special electorate at least six members?—Yes.

162. I would just like to ask you what you say about the Trade Union Congress. You say that "It handles Moscow money for legal defence of Communist agents in India." What foundation have you in making that statement?—Yes, it has been the fact. It was done in defending Mr. Spratt in Bombay Court. We have also seen, when there was a strike, some of the Communist strike leaders here asking the Moscow people to send money.

163. But have you seen in any official document emanating from the Trade Union Congress that they have received cash from Moscow?—Yes, sir. It is published in their statement of accounts for 1927.

164. What documents have you seen that in?—Will it be proper, sir, to mention the name of the gentlemen who received the money?

145. No, I do not want you to mention the name. I only want to know whether this statement is well-founded?—Yes. During the labour strike in the district of Howrah which continued for about six months or so, the strike leader asked the Moscow people to send money and the money was actually sent and received by him. The Government is aware of this fact, and also of course the bank which received instruction for the payment of money and paid the money.

166. You make some remarkable statements here about the manner in which some of these organisations have been built up within a few days; they get together people who have nothing at all to do with the working classes?—Quite so, in some cases. People who have nothing to do with the working classes become leaders of labour movements in order to earn cheap notoriety. There are some lawyers and pleaders who actually do not get many clients and want to get their names advertised. It is very easy to catch hold of labourers and to foment strikes and thus get the fomenters' names advertised. There is another class of people in India who foment strikes for political purposes. In short, the labourers are being exploited here by three classes of people, namely, the politician, the lawyer and the Geneva-going class, by which I mean that some think that by associating with labour movements and Trade Union Congress they will have the chance of being recommended by the Congress and selected as a delegate for the International Labour Conference at Geneva. This means a trip to Europe at Government cost and excellent personal advertisement for the delegate. This, in my opinion, is the chief attraction of the Congress and objective of many who patronise the Congress.

167. You say somewhere in your Memorandum that some of these organisations spring up like mushrooms in the night, and having formed a nominal trade union they then affiliate to the Congress and apply to the Government through the Trade Union Congress to nominate a man to represent them at the Geneva Conference?—Yes, sir. For instance when it was decided to start the Trade Union Congress, the organisers sent letters to different parts of India, asking their friends to start labour unions with different names. It is very easy to start these unions because they do not require any registration under the Trade Unions Act. In your tour through-

out the length and breadth of the country you will find out that the labourers are quite ignorant people, they do not understand what politics is and they do not clamour for political power. What they want is good housing, good sanitation, better wages and death and other benefits.

168. That is to say the workers are less concerned about the questions of high politics than they are about their own social conditions?—Yes.

169. And you say that the politicians who use the labour movement are not dealing with the social conditions of the workers as they should, and therefore you suggest in your Memorandum that there should be set up *bona fide* trade unions throughout the country, consisting of men drawn from the ranks of the workers themselves and registered on the basis of the Trade Unions Act, and that when you have such a genuine representation of labour those organisations ought to be used as an electorate for sending labour representatives to the provincial council and to the municipal boards?—Yes. Exactly so.

170. When we come to the Central Legislature you suggest that these labour unions should be allowed to send four members to the Legislative Assembly and one to the Council of State?—Yes.

171. I think the Act only came into operation about eighteen months ago and I think it is true—is it not?—that a number of unions have applied for affiliation, but because their rules do not comply with the requirements of the Act time has been taken to bring them into harmony with those provisions?—Yes.

172. And that a number of these unions that you have mentioned which have not yet become registered are taking the necessary steps to become registered organisations and comply with the requirements of the 1926 Act?—Yes.

173. On the constitutional issue I notice you say that because you recommend the setting up of a special electorate for labour you do not suggest the lowering of the franchise for the purpose of election to the provincial council?—Yes.

174. And in the case of the Central Government you suggest that things should be left as they are, except that the Viceroy's council should contain three members drawn from the elected members of the Assembly?—Yes.

175. Lord Strathcona: In your Memorandum, under the subject of Law and Order, you say that you are against reservation of Law and Order and remark that the activities of the police "have created strong suspicions in workers' minds that the members of the police force took sides with employers..." I wish you just to explain what you mean when you say that the police took sides with employers?—For example, during the Lilloah strike and the Bowrea jute mill strike, it has been found that the police took sides with the capitalists and took instructions from them in shooting workers.

176. Why should the police take sides? All they have to do is to ensure the proper keeping of law and order?—It is the general conviction of the labourers as a whole that the police took sides with the capitalists and did injustice to the cause of the labourers by illegal arrest and harassing prosecution of strikers.

177. Can you give me an instance how they did injustice? I do not see how the police can take sides?—Instead of trying to restore peace and order they all of a sudden gave orders for firing in Baman-gachi during the strike of railway workmen at Lilloah six months ago.

178. Presumably there was some reason for doing that. The job of the police is to keep law and order.—It is expected that the police should take such measures as would ensure peace during strikes and as would settle the disputes, but instead of doing so it is believed by labourers as a whole that the police took side with the capitalists and did such things which were not expected of them.

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179. I do not like to press it. In England it is always assumed that the job of the police in labour disputes is merely to preserve law and order. If people are destroying houses or shops the police come forward; otherwise they have nothing to do with industrial disputes. What I want to know is how you think you can guard against this danger by keeping the police under the control of a responsible minister?—If the department of Law and Order were under a minister, we might easily approach him and tell him "Well, sir, if your police harass or terrorise the labourers in their difficulty we will pass a vote of censure against you."

180. *Major Atlee*: Are you workers very much in the hands of the moneylenders?—Yes, sir, we are. The ordinary rate of interest is as much as two annas per rupee per month. The Afghan moneylenders come here and exploit our labourers.

181. Have you tried to start co-operative societies at all among yourselves?—We are trying to organise a co-operative credit society within the area of our union.

182. Since when?—We do not get any backing from the Government.

183. Why do you want any backing from Government? It is a co-operative body and you yourselves can organise it. I do not quite see why your workers should be in the hands of the moneylenders?—Because they are not educated, and besides that they are getting small wages. The amount they get as their wages is very small and they can hardly afford to educate their children, and that is why they are compelled to live in a very bad condition. As regards labourers working in mines, they are very ignorant and the capitalists treat them in such a way that they are given to drinking.

184. There are jute workers there?—Yes.

185. They do as a matter of fact somehow save money and send the savings home. There must be some who save money. Why can you not manage to run a co-operative society?—These people are illiterate and the idea of co-operative society is not fully developed in India.

186. You are trying to get them?—We shall try to do it. Unless some education is given to the labourers, it is difficult to convince them of anything new.

187. But the farmers are managing it. Co-operative societies are spread very largely in the rural areas among the agriculturalists?—But the condition of agriculturalists is somewhat better than that of the labourers.

188. I should think that where you have got people in a mass you could get these things more easily than when you have got people spread in villages?

*Sir Sankaran Nair*: The agriculturalists are given greater facilities.

189. *Lord Burnham*: Do you know any industry except agriculture where there has been any co-operative society?—No, I am not aware of it excepting in isolated cases.

*Sir Arthur Froom*: There are some in the railway; for instance, the Great Indian Peninsula Railway.

190. *Lord Burnham*: In Bengal?—No, not in Bengal excepting perhaps a railway.

191. *Major Atlee*: How often does your union meet?—It meets almost every month.

192. You have discussions and so on?—Yes. We regularly convene meetings, where discussions take place and we also keep records of the proceedings.

193. Do your members take any intelligent interest in the affairs of the union?—Yes.

194. Do you think they will be intelligent enough to use the vote if they get it?—Under the present circumstances the union does not think it possible that, even if the franchise be extended, the members will be able to use their franchise properly and with caution in respect of the provincial council and the Central Legislature.

195. But you suggest the formation of special labour constituencies so that the labour representatives

on the council should no longer be nominated to represent the trade unions. Do you not mean that the representative should be elected by the members of the union?—Yes.

196. Nominated by Government?—No. What we have suggested is that the representatives should be elected by the office bearers of the unions. The office bearers of all the unions registered under the Trades Union Act will form a constituency and they will elect the candidates for the Assembly.

197. That is a very restricted franchise?—Yes. The unions will elect members to the provincial council and members of the executive committee of the unions and those office bearers will in their turn elect four members to the Assembly and one to the Council of State. That is what we have stated.

198. How is the office bearer of the union chosen?—The office bearers are elected in the general annual meeting.

199. Where does it take place?—A public announcement is made one month before. Sometimes it is declared by notification and sometimes by beat of drums. The meeting is held and the president and other office bearers are elected.

200. How? It is by show of hands?—Yes.

201. Your suggestion is that there should be a primary election by show of hands of the office bearers of the union and these officers have to choose their representatives?—Yes.

202. You have only nine registered trade unions?—Yes.

203. How many office bearers are there in each union?—About ten.

204. That will give a constituency of 90. It is very small?—Yes.

205. It is putting very much power in the hands of these people, is it not?—I think there are at present nine unions. Later on if you say that all the registered trade unions will have right to vote and elect their own men to the council, then there will be 100 unions registered under the Act.

206. I want to know whether you are putting forward a sound proposition. A union with ten members will be in the same position as a union with 1,000 members with regard to the vote?—Yes. The ordinary members have got vague ideas of politics and things of that sort. The office bearers have got some sort of education. That is why we recommend that the office bearers should exercise the vote for election of members of Central Legislatures.

207. *Sir Arthur Froom*: How many members are there in your union?—1,600.

208. What is the subscription?—One rupee per annum per head.

209. Do they all pay?—Yes.

210. So your income is Rs1,600 a year?—Yes.

211. Supposing a member does not pay. Have you had any instance of your members not paying?—No. They never refuse to pay excepting in very special cases.

212. What position do you hold in the railway?—I work in a commercial body in Calcutta.

213. You are a clerk in Calcutta?—Yes. I am the vice-president of the union.

214. And the rest of the gentlemen?—Messrs. Sur and Kurmi are carpenters in the railway workshop. Mr. Sur is the secretary of the union. Mr. Latifat Hossain, M.L.C., is also a vice-president. He is a babu in a jute mill, that is the assistant in charge of the labourers.

215. Is there any other union in the Eastern Bengal Railway?—There is the Eastern Bengal Railway Employees' Association. Our union represents the workers in the workshop and the other represents the clerks of the Eastern Bengal Railway. In our union we have got two outsiders, namely myself and our president, Mr. Roy Chaudhuri. The others are all actual workers.

216. Do you know whether there is any union in the East Indian Railway?—No. I am not aware. I think there is a union at Lilloah.

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217. Do you know the size of that union?—No.

218. *Sir Abdelkerim Ghuznavi*: You referred to the Kabul and Afghan moneylenders. Are the local moneylenders so bad as the others? Do they charge high interest?—The Afghan moneylenders take more interest than the local moneylenders.

219. What is the rate of interest generally?—Two annas per month per rupee.

220. *Mr. Travers*: Do the remarks of yours in this Memorandum refer to other workers besides your own union, the general remarks about the condition of workers?—Yes.

221. You say in your Memorandum, "There is no such thing in this country as death or sick benefit"?—Yes, there is no such thing.

222. Would you be surprised to hear that all labourers of a tea garden get full pay when they are ill?—I am not aware of it.

223. They do, and they also get free medical attendance and a paid attendant?—I am not aware of it.

224. Do you know on a tea garden advances are made by the manager to the labourer for marriage, for purchase of cattle and so on, free of any interest? You are not aware of this?—We have not heard anything like that.

225. Therefore the statement that you say that no such thing exists in this country is not quite true? On the tea garden it is so; they get the sick pay?—We do not know that. There is no labour union in the tea gardens to keep us informed about these benefits.

226. Now, one remark about your labour representative. Would you be prepared, where there are no labour unions, to accept nomination for labour representatives on the Bengal Legislative Council? For instance, in the tea industry there are no labour unions and the only method of representing them would be by nomination. Are you prepared to accept that?—No, sir.

## Memorandum submitted by the Country League.

*The Country League.* The Country League was initiated eighteen months ago and formally issued its Manifesto (copy of which is attached\*) in June, 1928. It consists of 100 members, drawn from the Landed Aristocracy, and prominent Industrialists. It is non-sectarian and non-racial, and is an All-India body with provincial branches. Its membership for the present is strictly limited. It has been formed with the object (1) of placing the views of these classes on the political development of India before your Commission and (2) of securing for these classes greater political representation. The complete objects of the League are below. There have been in existence for many years Provincial Associations representing the Landed Classes, but there has been no All-India connection between such Associations, nor have they been able to adjust themselves to changed political conditions.

### *Objects :—*

- (1) To safeguard the interests of its members, in the betterment and protection of their Landed, Commercial, Industrial and Agricultural possessions.
- (2) To ventilate and focus the opinion of the League :—  
By representation to Government, both Central and Provincial,  
By representation in the legislatures,  
By propaganda in the press, and by other means,
- (3) To assist the Political Progress of India, by working constitutionally for such changes as may be necessary, and for the advancement of India to the goal of self-government within the British Empire.
- (4) To select, train and assist Political Candidates, and party Agents.
- (5) To support approved Associations.
- (6) To promote the formation of Rural and District Associations.
- (7) In safeguarding Minorities and promoting the welfare of the People, to work for the replacement of communal mistrust—by mutual confidence and communal goodwill.
- (8) To assist fulfilment of the need for a Common Language and Common Script for the whole of India—without which "A Nation" cannot be formed.

*India's Final Goal.* Our members are in complete accord that the final goal of Indian Political Development is the realisation of Self-Government as an integral part of the British Commonwealth of Nations. We can visualise no future for India that does not maintain a close connection with the British Empire, and that does not make provision for a Federation of Indian States and British India. In so far as British India is concerned we do not, however, commit ourselves at this stage to the definite assertion that Self-Government in India must necessarily be of the responsible type of the British Constitution, and it is more than probable that the eventual Constitution evolved for India will vary considerably from the British model. There is, however, no denying the fact that the past close relations between Great Britain and India has implanted in Indians a desire for a Constitution based on British traditions, and that this should be of a responsible character. That being the case, we agree that this form of Government should, in the first instance, be given the fullest possible trial.

*Local Self-Government.* The training ground for the electorates as well as for the individual is primarily to be found in the work of Local Self-Governing bodies. The liberal powers which have, under the Reforms, been granted to these bodies should be continued and extended, and the franchise for them

should be enlarged. It will be necessary for some time to come that the activities and work of these bodies should be watched over and controlled by higher authorities, which might well take the form of Local Self-Government Boards. These boards should have adequate powers to take over these bodies, should maladministration necessitate such action. There will always be necessity for the careful auditing of funds in their charge, and steps should be taken to bring home to the members of such bodies their financial responsibilities, by the introduction of a system of surcharge based on the British model.

*Provincial Legislatures.* Subject to the views of our members in each province, who have a particular knowledge of the conditions peculiar to their province, and whose views will be put forward in oral evidence, we favour a grant of full responsible Government to the provinces. We are, however, anxious that the undoubted risks accompanying such transfer of power should be minimised in so far as is, in our opinion, practical, and consider that, for the present, it would be wise to place the vital portion of Law and Order, that is, the maintenance of Armed (or Military) Police, the Criminal Investigation Department, and Dacoity Department, under the Central Government. We also think it necessary to make such provisions as may be required to give contentment to the British element, which, we believe, must be maintained, under the changes in Government hereby proposed. We therefore propose, should the transfer of power herein recommended be agreed to, that it should be made subject to the following safeguards :

- (1) The Establishment of Second Chambers ;
- (2) All Bills passed by the Provincial Legislatures shall require the assent of the Governor-General in Council ;
- (3) That existing instructions to the Governor-General and Governors regarding legislation discriminating against any particular section or interest should be continued, and supplemented by Statutory safeguards.

*Ministry.* The Executive Council should be abolished, and replaced by a Ministry chosen from elected representatives. The power which a Governor now has to administer Transferred Subjects in the event of failure to form a Ministry, would need to be retained.

*Franchise.* We do not at present recommend any widening of the franchise. The Education of the existing electorate in our opinion requires further time before any increase is justifiable. We, however, recommend a complete examination of the composition of Legislative Councils, and Council of State, with a view to ensuring adequate proportionate representation for the various interests in the province. We are strongly of the opinion that Landed Interests and Commerce and Industry should be given increased representation. To-day the representation of these Interests in the various Legislatures is :—

### *Council of State.*

Total Seats	..	..	60
Landholders	..	..	Nil
Commerce and Industry	..	..	3

### *Legislative Assembly.*

Total Seats	..	..	144
Landholders	..	..	7
Commerce and Industry	..	..	3

### *Madras.*

Total Seats	..	..	127
Landholders	..	..	6
Commerce and Industry	5}	..	6
Planting	1}	..	

\* Not printed.

<i>Bombay.</i>				
Total Seats	..	..	..	111
Landholders	..	..	..	3
Commerce and Industry	..	..	..	8
<i>Bengal.</i>				
Total Seats	..	..	..	140
Landholders	..	..	..	5
Commerce and Industry	..	..	..	15
<i>United Provinces.</i>				
Total Seats	..	..	..	123
Landholders	..	..	..	6
Commerce and Industry	..	..	..	3
<i>Punjab.</i>				
Total Seats	..	..	..	93
Landholders	..	..	..	4
Commerce and Industry	..	..	..	2
<i>Bihar and Orissa.</i>				
Total Seats	..	..	..	103
Landholders	..	..	..	5
Commerce and Industry	1	..	..	3
Planters	1	..	..	
Mining	1	..	..	
<i>Central Provinces.</i>				
Total Seats	..	..	..	70
Landholders	..	..	..	2
Commerce and Industry	1	..	..	2
Mining	1	..	..	
<i>Assam.</i>				
Total Seats	..	..	..	53
Landholders	..	..	..	Nil
Commerce and Industry	1	..	..	6
Planters	5	..	..	
<i>Burma.</i>				
Total Seats	..	..	..	103
Landholders	..	..	..	Nil
Commerce and Industry	..	..	..	6
<i>ALL-INDIA.</i>				
Total Seats	..	..	..	1067
Landholders	..	..	..	38
Commerce and Industry	..	..	..	57

We further strongly recommend a larger proportionate representation for Agricultural, Ex-Military, and Labour interests, and the Depressed Classes.

*Central Legislature.* We are generally of opinion that it is difficult to make any great advance in the Central Government until we are assured that the further transfer of power in the provinces has justified itself. We are of opinion that the Legislative Assembly was wrongly constituted in the first instance, and that the existing system of direct election has not ensured that sense of responsibility between a member and his constituents. This is in the main due to physical difficulties which could not be overcome without unduly enlarging the membership of the Central Legislature, which we cannot recommend at the present stage of development. We therefore favour a system of indirect election by Provincial Legislatures, and duly formed and accredited Associations representing different sectional interests.

*The Viceroy's Executive Council.* We are of opinion that no change in the Viceroy's Executive Council is desirable at the moment, but it appears to us that the system of selecting the Indian members of the Council justifies examination. For instance, the existing members of the Viceroy's Council to-day does not include any member of the Indian Aristocracy, and we have known instances when of late certain individuals were quite unfit for such a responsible position. In all cases we contend that

such appointments should be made from the best material available of any race or creed.

*General Considerations.* If India's political development is to progress along sound lines, without undue risk of breakdown, we are strongly of the opinion that whatever changes are made in the Indian Constitution, it is essential to provide for the continuity of tradition and authority. The old order and the new must be reasonably blended, and we particularly direct the attention of your Commission to this point. It must be remembered that a large number of those individuals who have been in the past natural leaders have, for reasons which we need not enter into here, failed to adjust themselves to the changed system of Government and they should be given every opportunity to take that share in Government which their contemporaries have in England.

*Minorities.* All those who desire to see and encourage India's political development must regret communal and sectarian dissensions which are such an obstacle to rapid progress. We are convinced that these dissensions are largely due to the fear of minorities that their interests will not be adequately safeguarded under a democratic form of Government. It is the primary duty of all Governments to see that the legitimate interests of minorities are not trampled underfoot, and we trust that a purely Indian Government would be no less careful of minority interests than any other national Government. As far as we are concerned, we strongly recommend the provision of Statutory safeguards for all such interests, and we have no objection to these taking such form as minorities themselves may desire, provided always that the interests of the majority are not impinged upon, and that the national interests are not unduly subordinated.

*Control of the British Parliament.* The Government of India Act already allows scope for the relaxation of the powers of the Secretary of State for India, and evidence of such relaxation is forthcoming in the convention which has been established regarding fiscal matters. Further conventions on similar lines might be built up, but otherwise we do not, for the moment, suggest any alterations to the existing Act, other than those necessitated by the grant of Responsible Government to the Provinces.

*Education.* In our opinion the immediate need of the moment is a progressive policy in the training of Indians to fit them for the public service of India, and for training for the defence forces of India. We consider immediate steps should be taken to improve and increase educational facilities for this purpose.

Further, we are of opinion that much greater attention must be paid to Commercial and Technical Training. At the moment the very fact that a University Degree is required before entrance into the Government service, has led to the University literary degree being considered as the goal of all education. This particular qualification for Government service should be done away with, and the Government Examination should be made a sufficiently high standard without this.

The obstacles which have to be surmounted in the introduction of a satisfactory system of primary education are considerable. The provision of teachers, even on the totally inadequate salary now paid, is beyond the resources of Provincial Revenues. Steps must, however, be taken to surmount this obstacle, even at the cost of increased taxation. Our experience leads us to believe that a more rapid growth of primary education can only be secured by compulsion, and this will have to be carried out area by area. We fully realise, however, that the conservative customs of the country will make the task of School Inspectors called upon to inquire about the absence of children one of extreme delicacy.

Finally, we think it is convenient to summarise our recommendations.

## SUMMARY.

1. Responsible Self-Government as an integral part of the British Commonwealth of Nations, should be given the fullest possible trial.

2. Powers already granted to Local Self-Governing Bodies should be continued and extended, and the franchise for them should be enlarged. Higher control by Local Self-Government Boards: and financial safeguards, e.g., a system of surcharge based on the British model should be introduced.

3. Full Responsible Government should be granted to the Provinces, except the vital portions of Law and Order, with these safeguards:—

- (1) The Establishment of Second Chambers.
- (2) Governor-General in Council's assent to all Bills passed by Provincial Legislatures.
- (3) Existing safeguards against Legislation discriminating against any particular section or interest, should be supplemented by Statutory safeguards.

4. The Executive Council should be abolished, and should be replaced by a Ministry chosen from elected representatives. The existing power of a Governor to administer Transferred Subjects in the event of failure to form a Ministry should be retained.

5. A complete examination of the composition of Legislative Councils and Council of State should be made with the object of ensuring adequate representation for the various interests of the country, and the Landed Interests, Commerce and Industry, Agriculture, Ex-Military, Labour, and Depressed Classes should be given increased representation. In place of existing direct election of members to the Legislative Assembly, there should be a system of indirect election by Provincial Legislatures, and accredited Associations representing different sectional interests.

6. Appointments to the H.E. The Viceroy's Executive Council should be made from the best material available of any race or creed.

7. There should be a reasonable blending of the

old order of Indian Ruling authority and tradition with the new order which has been brought into being by the changes in the political constitution.

8. It is the primary duty of all Governments to see that the legitimate interests of Minorities are not trampled under foot, and Statutory safeguards should be provided for the interests of Minorities, in such form as the Minorities themselves may desire, subject to the non-subordination of the majority and the national interests.

9. Further conventions on similar lines to the relaxation of the powers of the Secretary of State regarding fiscal matters, should be built up.

10. There should be no alterations to the Government of India Act, other than those necessitated by the grant of Responsible Government to the Provinces.

11. A progressive policy in the training of Indians to fit them for the public Service of India, should be carried out by means of improved and increased educational facilities for Technical and Commercial training.

12. In order to avoid the results of a University Degree being considered the goal of all education, this particular qualification for Government Service should be abolished, and the Government Entrance Examination of a sufficiently high standard should be maintained.

13. The obstacles in the way of the introduction of a satisfactory system of primary education must be surmounted, and rapid growth of primary education should be secured by compulsion, area by area.

*Oral Evidence.* The names of those Founders or Members who will be prepared to give oral Evidence on Provincial and All-India questions, on behalf of the League, will be notified on the arrival of the Commission at Bombay. We trust that as a result of the labours of the Commission, India will advance creditably and prosperously along the political highway towards the final goal of Self-Government within British Commonwealth of Nations.



## Memorandum submitted by the Marwari Association.

The Marwari Association which is the oldest and the premier representative organisation of the Marwari community, representing all the various interests, political, commercial, economic, social, etc., of that community, and is recognised by Government as such, begs to submit the following memorandum for the consideration of the Indian Statutory Commission. The Association counts among its members almost all the leading mercantile firms of the Marwari community in Calcutta, and as these firms have branches in various parts of the country, the Association may be regarded as an All-India organisation. The Association is a special commerce and industry constituency of the Bengal Legislative Council and, as such, returns one member to that body. It also returns one member to the Legislative Assembly in rotation with two other Indian public bodies.

The Association has always held the view that the best form of Government for India from the point of view of her safety from external aggression as well as from that of her progress and development in all directions will be the form that obtains in the British Dominions and Dominion status ought therefore to be her final goal of constitutional development. The Association welcomed the Montagu-Chelmsford Reform Scheme as a step towards raising India to that status, and, having watched with care and interest the working of the scheme, has come to the conclusion that another step forward ought to be taken without delay. The Association does not think that India is in a position to undertake the duties and responsibilities of equal partnership in the British Commonwealth immediately. She must attain to that position by gradual stages of development. In dealing with the subjects mentioned in the note issued by the Secretaries to the Commission, the Association has endeavoured to keep this principle in view.

1. (a) *Basis of Franchise.*—Should remain as at present, but in view of the opinion expressed in answer to 1 (b) that communal electorates should be abolished, the difference in the qualifications of Hindu and Muhammadan voters, wherever it exists, should be done away with. The Association is also of the opinion that punishment for any offence not involving moral turpitude should not be a disqualification.

In this connection the Association also desires to state that greater care should be taken to prepare the electoral rolls to enable every person qualified to vote to exercise his franchise. So far as the Association is aware, rolls are at present prepared on the basis of official records showing the amount of taxes and cesses paid by each person in a constituency. But such records of the Income Tax Department being confidential and unavailable, income tax payers qualified to vote are expected to apply for the enrolment of their names with a certificate from the Income Tax authorities bearing testimony to their qualification. The general public has not yet learnt to take such keen interest in the elections as to take the trouble of going up to the Income Tax authorities for such a certificate. Moreover, there are many among the income tax payers who neither know English nor anything of the electoral rules and regulations, and even those among them who would fain have their names enrolled in the electoral rolls, cannot apply in consequence. The result is that the electoral rolls are always incomplete. In the opinion of the Association the Income Tax Department should be required to supply Government with separate lists of names of income tax payers qualified to vote at the elections of the Council of State, the Legislative Assembly and the provincial legislatures without mentioning the amount of tax paid by each individual, and the lists should be forwarded by Government to the officials charged with the duty of preparing the rolls with instructions to enrol the names as electors.

It should also be the duty of these officials to invite each joint Hindu family firm whose name appears in any list to nominate an elector on its behalf and on receipt of the nomination, to include the name in the roll, as is done by the Returning Officers of special commerce and industry constituencies when preparing their rolls. The Association believes it will serve as an encouragement to electors to take an increasing interest in the elections.

(b) *Methods of election.*—The existing method of direct election should be allowed to remain unaltered, but the class or communal electorates should be abolished in favour of mixed or joint electorates. The system of representation by class or community is bad in principle, and injurious to the best interests of the country, as it hinders the growth of the spirit of nationalism and leads to communal narrowness and troubles.

(c) *Methods whereby particular interests may obtain adequate representation.*—As regards the representation of communal interests, the Association is not aware that there are communities whose interests cannot be represented through the general mixed electorates and require or deserve representation through separate communal electorates. There are, however, important minorities which cannot be expected to obtain representation through the general constituencies and require therefore to be specially dealt with. In plural member constituencies seats should be earmarked for such minorities, and single member constituencies containing this element should be converted into plural member constituencies for the purpose. By way of instance, the case of the Marwari community may be cited. The Marwaris are a commercial people having a very large portion of the trade of the country, both inland and foreign, in their hands. They have also invested their capital very largely in industries and landed and house properties, and own jute mills, cotton mills, flour mills, oil mills, jute presses, cotton ginning factories, coal mines, mica mines, etc., in all parts of the country. They also hold a large percentage of the shares in industrial concerns both under European and Indian management. In short, they have very large stakes in the country, but being scattered all over the country, they are in a minority everywhere and, in the absence of any special provision, labour under the disadvantages of non-representation or inadequate representation on the legislatures and local self-governing bodies. Their traditions, their customs and their methods of business being not identical with those of the other communities, their interests and their needs and requirements cannot be understood, much less represented, by members of other communities and as a special provision to give them representation, seats should be earmarked for them both in the Central and Provincial legislatures and in other local self-governing and representative bodies. The Marwaris in Bengal should have at least two seats on the Legislative Assembly and four on the Legislative Council of Bengal.

The provision for representation of the economic interests of the country is extremely inadequate. The system of securing the representation of Indian commercial interests through some important public bodies representing such interests is undoubtedly good and should be allowed to continue, but the measure of representation which economic interests obtain thereby is meagre and far less than commensurate with their needs and importance. Under the existing system, this Association is allowed to return only one member to the Bengal Legislative Council and is bracketed together with two other public bodies to return one member to the Legislative Assembly in rotation. It is unnecessary to stress the fact that this representation is quite inadequate.

The Association ought to be allowed to elect at least two members to the Bengal Legislative Council and one to the Assembly at every general election.

As regards *social interests*, the Association is of opinion that instead of providing for the representation thereof, it should be expressly laid down that the legislatures shall not discuss, legislate upon or otherwise interfere with the social or religious customs, practices or rites of any community. Social interests should always be left to take care of themselves. The increasing tendency on the part of the Central legislature to undertake social legislation is unfortunate. Such legislation is often passed by means of the votes of men who belong to social groups of different types and whose votes are therefore not always prompted by a sympathetic understanding of the supposed abuses which the legislation is intended to correct. Besides, this inevitably results in the weakening of initiative in the social group concerned.

(d) *The relationship between the representatives and constituents* should be very close and friendly, but it is not so at present, because in the interior of the country, the constituencies are mostly very large in area which often makes it impossible for candidates or representatives to come in contact with the electors. In order that candidates may meet and address their constituents and the latter may exercise their votes intelligently, the constituencies should be reduced in size. There should also be a convention for representatives to meet and address their constituents after each session of the legislatures to render an account of their work and enlighten the electors on the future needs of the country. This will not only make the relationship between the representatives and electors as close and friendly as it ought to be, but will also help towards the growth of parties and informed public opinion. But it will necessarily result in an increase in the numerical strength of the legislatures and involve larger expenditure on account of payments made to members. But the Association is not in favour of increasing such expenditure and would suggest a reduction in the present scale of allowances.

(e) *The growth of parties.* Parties should grow on definite principles in the Central and Provincial legislative bodies. In local self-governing bodies on the other hand, formation of parties on political lines should be avoided. Rival plans of local improvement might provide opposed platforms.

(f) *The growth of informed public opinion.*—Informed public opinion does not exist except in isolated areas. The general condition is one of backwardness. The problem is bound up with the growth of literacy. Unless a higher percentage of literacy is achieved progress in this direction must be slow.

(g) *Nomination.*—Elected bodies should have a clear majority of elected members. The object of nomination of officials should be only to give the elected members the benefit of official experience and the number of nominated officials should therefore be as small as possible. As regards non-officials, the object of their nomination should only be to secure the representation of interests which may have failed to obtain representation by election. But in forming constituencies, care should be taken to avoid the possibility of any interest failing to obtain representation by election. This can be possible only if it is ascertained beforehand how many interests there are in the country that require representation and the numerical strength of the elected bodies is fixed accordingly.

2. (a) and (b) *Suitability of existing areas.*—The Association does not think that in size the existing areas are unsuitable for the growth of representative institutions, either local self-governing or provincial. Though it believes that smaller areas would be more suitable for legislative and administrative purposes and helpful to the growth of self-governing institutions

and to the extension of education in citizenship, the Association fears that smaller areas for administrative purposes will involve large expenditure and does not therefore recommend any reduction in the size of the existing areas. As regards the division of the existing Provinces, the Association considers that for obvious reasons it should be made on linguistic basis.

3. (a) (b) (c) (d) and (e) *Local self-governing bodies.*—The constitution and functions of District Boards, Municipalities, Local Boards and Village Unions should remain as they are. They have elected majority and elected non-official Chairmen. Officials of the Provincial Government should not have any power of interference, but as a safeguard against mismanagement of affairs, there must be some power of control in the Ministry of Local Self-Government. As regards finance, the law should lay down a maximum rate of local rates and taxes, but the levying and altering thereof should not be subject to Government approval unless it is proposed to exceed the maximum. Within that limit the local bodies should have a free hand over their budgets, though indeed Government should have the right to interfere in cases of grave neglect of duty or mismanagement of affairs. In regard to the appointment of their officers, the local self-governing bodies should be wholly independent of the Government.

4. (a) and (b) *Provincial Governments.*—Dyarchy has failed partly because of the inherent defects of the system and partly because of the unfavourable atmosphere in which it had to be worked. The increased strength of the Governor's Cabinet has meant increased expenditure also. On the other hand, the two halves of the Cabinet have not in the various provinces worked with that amount of co-operation which would either justify the extra expenditure or secure public confidence in the constitution. Circumstances have often arisen which cast strong doubts on the reality of the status of Ministers as equals of Executive Councillors. The unsatisfactory allocation of funds to the transferred departments has been widely criticised. There is a deeply rooted belief that ministers have not received the proper amount of co-operation from their European subordinates.

The powers given to the Secretaries of departments are considered to be so large as to take away from the position and prestige of the Ministers. The practical obligation on the part of Ministers to support Government measures to which the elected members of the Council might be opposed adds to the unpopularity of the institution. The Minister's responsibility to the legislature is constantly overshadowed by his responsibility to the Government. Above all, the institution of the Reforms has not meant a visible rise in the happiness and welfare of the people. The first and strongest impression it leaves upon the public is that it has the disadvantages of an expensive machinery without any corresponding advantages. For these reasons the Association considers that dyarchy should be replaced by provincial autonomy. The Executive Councils should be abolished and all the departments of administration except Law and Order should be placed in charge of Ministers, the leader of the party in power in the Council being appointed by the Governor as Chief Minister with power to choose his colleagues from amongst the elected members and form the Ministry. The non-official Ministers should work on the principle of joint responsibility.

As regards Law and Order, the Association is of opinion that it should be placed in charge of an official to be nominated by the Governor as a Minister who will not be removable by the legislature. The Association considers that there should be a continuity of policy in the Administration of this department; but this will not be possible under a Minister removable by the legislature. The question of the desirability or otherwise of retaining the Governor's present powers of certification is also worthy of

serious consideration in this connection. In view of the suggestion made by it in answer to 4 (i) for the establishment of Second Chambers in the provinces, the Association thinks that the Governor's power of certification should be curtailed to the extent that he will only certify measures refused by the lower House after they have been carried in the upper House. He may also certify measures for introduction in the upper House in case their introduction is refused in the lower House. These changes in the constitution, the Association believes, will knock the bottom off the present policy of obstruction and will help forward the growth of a Party of Opposition on the lines of His Majesty's Opposition in the House of Commons ready to carry on the Government, if called upon to do so.

(c) (d) (e) Answer to 4 (a) and (b) covers these points.

(f) *Growth of party system in the Provincial Councils.* Party system should be encouraged in the Provincial Councils, but a distinction should always be made between a party and a group. The tendency to form loose groups should be discouraged.

(h) *Classification into reserved and transferred subjects.* Holding the view that dyarchy should be abolished, the Association does not think it necessary to deal with this question.

(i) *Desirability of Second Chambers.* If dyarchy is abolished and all the departments are placed in charge of Ministers, as suggested in answer to 4 (a) and (b), the Association would support the establishment of Second Chambers in the provinces to provide a safeguard against all possibilities of obstruction and a check over any hasty actions of the popular representatives in the Legislative Councils. The relationship between the two Chambers should be on lines similar to the relationship existing between the Council of State and the Assembly.

(j) *Provincial Autonomy.* The Association is of the opinion that the next step ought to be the grant of Provincial Autonomy to the extent suggested in answer to 4 (a) and (b).

(k) *Finances of Provincial Government and Financial Control.* The Association considers the principle of leaving certain sources of revenue to the Provincial Governments to be a sound one and a necessary step in the direction of giving the Provinces complete financial independence of the Government of India. But a great deal depends upon the proper division of resources between the Central and the Provincial Governments. Under the existing arrangement, the Provincial Governments, specially the Government of Bengal, find it difficult to undertake any new schemes of development. The Provincial Governments should have unfettered authority to borrow money on the security of their revenue. The previous permission of the Governor-General and Secretary of State should not be required in such transactions. The Provincial contributions to the Government of India should be permanently wiped out. The sources of Provincial revenue should be increased. The revenue accruing from jute export duty should be restored to Bengal. The Provincial share in the revenue from income tax should be more equitable.

(l) *Financial relation between reserved and transferred sides.* Having regard to answer to 4 (a) and (b), it is unnecessary to deal with this question.

5. (a) *The Central Government.* The constitution of the Central Government remains almost as it was in the pre-Reform days. The Reforms Act of 1919 has altered it only to the extent that the Indian element in the Viceroy's Executive Council has been increased, the old Legislative Council has been enlarged with a majority of elected members and a Second Chamber has been created with practically an official majority. In the opinion of the Association the time has come when some measure of

responsibility ought to be introduced in the Central Government also in the same way as it has been introduced in the provinces. Among the Central subjects there are questions which concern the internal administration of India only, and these ought to be transferred to the charge of Ministers responsible to the legislature. As the provincial Governments are not entirely independent of the Government of India, responsible Government in the provinces cannot be real unless it is introduced in the Central Government also. Whatever justification there might have been for the non-introduction of such reform in the Central Government in the Act of 1919, it should not be deferred any longer, but a beginning should be made now for the progressive realisation of responsible Government. Although dyarchy has failed in the provinces, the Association suggests its introduction in the Central Government in the absence of a better alternative.

If the constitution of the Central Government is changed as suggested above to make it responsible to the legislature in some respects, then adequate financial provision should also be made to enable the Ministers to administer their departments satisfactorily. Experience of the working of dyarchy in the provinces has shown that Ministers cannot meet the requirements of the departments in their charge, much less undertake any new schemes of improvement for want of funds. Steps should be taken to guard against their being confronted with such difficulties in the Central Government.

6. *Relations between the Central Government and Provincial Government.* (a) The answer to this question would be partially found in 4 (j) and (k). So long as the provinces are not made autonomous, the Central Government should have some power of superintendence, direction and control over the Provincial Governments. The existing law fully provides for that and in many matters of legislation, the previous sanction or subsequent assent of the Governor-General is indispensably necessary. But consistently with the principle of helping forward the growth of responsible government in the provinces, the Government of India's power of superintendence, direction and control should be gradually relaxed, except in matters in which the Provincial Governments act only as the agents of the Government of India. The Provincial Governments should not be interfered with even in cases of mistakes, unless the mistakes are of a serious nature, but should be allowed to profit by their mistakes. Nor in cases of disputes arising between two or more provinces, should the Government of India interfere unless, failing to arrive at an amicable settlement, the Provincial Governments themselves approach the Government of India for a decision. The Central Government should, of course, keep a watch over the provinces and help them with advice, but should not interfere directly except in cases of utter mismanagement of affairs.

(b) *Classification of subjects.* The present classification of subjects as Central and Provincial is not unsatisfactory on the whole. But it should still be possible to add to the list of the Provincial subjects.

(c) *Financial relationship between the Central and Provincial Governments and Meston Settlement.* The answer to this question will be found in 4 (k). As regards the Meston Settlement, the Association has no hesitation in saying that great injustice has been done to Bengal. The Meston Committee failed to realise the peculiar difficulties of Bengal. Her sources of revenue are absolutely inelastic in nature. Her land is permanently settled. Her forests are undeveloped and irrigation, which is one of the most paying sources of revenue in other provinces, is a losing concern here. She has taxed herself to the utmost limit and the Government also has effected large retrenchments but still her finances are far from satisfactory and the transferred departments, on the satisfactory working of which the success of the Reforms primarily depended, have suffered badly.

In fact, compared to other Provinces, the position of Bengal is the worst in the transferred departments. She has not been able to spend enough either for health and sanitation or for education, and has been compelled to abandon projects for agricultural improvement for want of funds. The justice of her claim for readjustment of the financial relationship has been admitted on all hands, but nothing has yet been done. As has been stated in 4 (h), the revenue from the jute export duty should be restored to Bengal as jute is a monopoly of Bengal and she suffers not a little in matters of sanitation in raising it. There is no reason why she should be deprived of the benefit of this revenue. The provincial share in the revenue from income tax should also be made more equitable.

7. *Courts and the Judiciary.* Under the existing system both the Executive and Judicial functions are vested in one and the same officer. The necessity of separating the functions has long been felt by the people and admitted by Government, but it has not yet been effected. No further delay should be made in carrying out this reform to ensure the proper administration of justice. The judiciary should be wholly independent of Executive control. The practice of appointing members or ex-members of the judiciary to executive posts should be discontinued.

8. *The Constitutional problem in relation to :—(a) Law and Order.* Law and Order may perhaps without exaggeration be said to be the foundation stone on which the whole edifice of Government stands. Government is impossible in an atmosphere of lawlessness and disorder. It is therefore one of the first essential duties of every Government to maintain law and order, and it is for this reason that the constitution of every country provides its Government with authority to take even extraordinary powers to maintain law and order in cases of emergency. But the best means of maintaining law and order is to anticipate and prevent the causes likely to threaten law and order from arising and to remove them if and when they do actually arise. Governments generally pin their faith in suppression, which also is undoubtedly necessary for the immediate restoration of law and order, but history does not show that suppression has ever proved a sure or permanent remedy anywhere. It proves effective only for a short period, but at the same time it drives discontent underground, with the result that lawlessness and disorder appear again in a more virulent form than before. Eradication is therefore what ought to be aimed at and steps ought to be taken for the purpose in consultation with the people themselves. The Association believes that the present unrest in the country is due to a large extent to economic causes. Political privileges alone will not succeed in allaying this discontent. The remedy lies in the adoption of really effective measures for the amelioration of the economic condition of the people.

(b) *Justice in British India.* This, in the opinion of the Association, is a more important question than even the maintenance of law and order. The impartial administration of justice as between man and man, irrespective of race, creed or colour, should be the motto of every Government and political or other considerations should not be allowed to enter the administration of justice. But judges being human, they cannot be expected to be able to rise above such considerations if they have to work under the Executive Government, and this is what makes it essential that they should be placed under the High Courts. An important qualification which a judge should possess is a good knowledge of the language of the people over whom he sits in judgment and of their customs and habits of life to be able to understand and appreciate their feelings.

(c) *Defence of India.* The Association is of opinion that the army in India should be nationalised at a more rapid rate. Self-Government will not be

attained merely by constitutional advancement; that advancement must be supported by the increased fitness of India to defend herself. The Association regrets that the steps so far taken towards Indianisation of the Army are disappointing. That Indians are not able to defend themselves is a source of weakness not only to India, but also to the British Empire. The military expenditure of India is 42 per cent. of the total revenue of the Government of India. It need hardly be mentioned that it is disproportionately high and no other country furnishes a parallel to it. The expenditure on such lines can never lead to India's development. Indianisation of the army will facilitate reduction of the military expenditure and make money available for other important purposes.

(d) *Social Progress.* It depends greatly upon political, economic and educational progress. But as has been stated elsewhere social questions of the Hindus are indissolubly linked up with their religion and should not, therefore, be allowed to form part of the business of the Legislatures, but should be left to the people themselves.

(e) *Federation.* India being a large country with a heterogeneous population of different races and creeds, who speak different languages, the question of the establishment of a federal system of Government on the lines of Canada and Australia is worthy of serious consideration. This, in the opinion of the Association, should be the ultimate goal.

(f) *The status and position of India in the British Empire.* The present status and position of India in the British Empire are those of a mere dependency of Britain. In the self-governing parts of the Empire, Indians are not, therefore, regarded as equal subjects, but as an inferior race of mankind in spite of their culture, education, business ability, etc., and labour under many disabilities which are galling to the national self respect of India. Britain herself is unable to prevent Indians being so treated in those countries. But in strange contrast to this it may be stated that the doors of India are wide open for the nationals of those countries, and they can come and hold any position under the Government and invest their capital in business and land without any restriction.

Considering the value of India in the Empire, this state of things should not be allowed to continue. The remedy lies in raising India to the status and position of a self-governing dominion.

9. *Relationship between the Central Government, the Secretary of State and the British Parliament.* The Secretary of State's control over the Central Government is still too extensive to be consistent with the ideal of a self-governing India. The financial powers of the Secretary of State are too many and too wide. India's fiscal autonomy granted in theory is hardly yet a fact on account of these powers. The Government of India must be made more and more the supreme authority in India, and the Secretary of State should be reduced to the position which the Secretary of State for the Colonies holds. The Council of the Secretary of State should be abolished.

10. *The Position of the Services.* (a) *Indian Civil Service.* Under the present system, recruitment for and appointment to the covenanted Services are made under rules laid down by the Secretary of State and, so far as the Association is aware, all matters concerning the pay, pension, allowances, etc., of members of these Services are also regulated by rules made by the Secretary of State. This state of things is not compatible with Responsible Government and all these functions of the Secretary of State should gradually be transferred to the Government of India.

(c) *Provincial Services.* As regards the Provincial Services, the Association considers that recruitment should be made by competitive examination, and merit should be the only test. There is an agitation

## MARWARI ASSOCIATION.

[Continued.]

going on for recruitment on communal basis. There is no just reason behind it, as the Services are not intended to provide employment for any class of men, but to carry on the administration of the country. If appointments are made on the basis of the race or creed of the entrants, it will be

impossible to maintain the purity of administration.

(c) *Indianisation*. The present rate of Indianisation in the Imperial Services is, in spite of recent improvements, still inadequate. The Association is of opinion that Indianisation of the Services has a great bearing upon constitutional advance.

**A Statement for the Statutory Commission by Mr. W. L. TRAVERS, C.I.E., C.B.E., M.L.C. (Bengal), Leader of the British non-official Group in the Bengal Legislative Council, previously for many years a Member of the Jalpaiguri District Board, and Chairman of the Dooars Planters' Association. Member, Bengal Legislative Council, 1920 until now. Chairman, Dooars Branch, European Association.**

*Note.*—The Dooars Tea Industry contains 148 tea estates, employing 250,000 labourers. A considerable majority of the estates are under British control, with British capital, with a rough valuation of six to seven million pounds. The Dooars is situated under the mountains, a long strip on the North of the Jalpaiguri District of North Bengal. The country was opened up and the industry was commenced almost entirely by British pioneers as in Assam. Of recent years Indians have entered into the industry, and there are now 47 Indian gardens, while this number is increasing every year.

The labourers are chiefly from the aboriginal races of Chota Nagpur and the Santhal Pargannas, brought here by the planter. Many thousands have settled upon the land outside the tea garden area. At present the tea garden labourer is content to live under the supervision of the tea estate manager, whose business it is to look well to the health and happiness of his labourers, who are free to go and come as they will.

It may be noted here that the British Member for this constituency is also in reality the Member for these labourers, who—at present at least—show no desire for the Labour Union, or Labour Member as such, being well paid and well looked after.

1. (a) As conditions are at present up country, the present franchise appears to be suitable, speaking both for the Indian and for the Britisher. Of the latter every man and woman who pays income tax has a vote. And every Indian ryot of any substance at all is qualified. There is no demand from the people themselves for an extension, though indeed the senior employees upon tea estates, both those from the Bhadra Bengalee race and the head men amongst the labourers, ought to have the vote. A ryot with a few acres of land has it, but a tea garden employee (Indian) with a pay of Rs100/- a month has not.

1. (b) An election to the Legislative Council strains the resources of the District Executive to the utmost to obtain the necessary supervision. It is a tribute to the District Magistrate that those elections have been run with so few scandals. If there were indeed any large extension of the franchise, it would be very difficult to arrange an election for a whole district on the same day in a district like this, where there are scarcely any large landowners or people of position outside the tea garden area and the district and the sub-divisional headquarters. Education is very backward, and the election supervision falls upon the subordinate officials almost entirely.

1. (c) This is a section of great importance for the British planter and resident up country.

For the Legislative Council there is a constituency for the whole of the Division, for the representation of the British resident. That is satisfactory enough, although if the Darjeeling District—at present a frontier district without representation on the Legislative Council—were brought under the jurisdiction of the Council another new constituency should be added to the two which the up country British residents now possess. But representation upon District and Local Boards is of great importance for the tea planter, whose industry is so dependant upon roads and other subjects which are administered by the District and Local Boards.

At the present time Local Self-Government is controlled by an Act, and Rules, which were in force before the Reforms commenced. A new Bill to modernize was placed before the Legislative Council and later in this statement I describe the real reasons which led the Council to reject it. But sooner or

later, a new Bill will come forward, and the question of British representation upon a District Board like that of Jalpaiguri will arise. It is estimated that the British planting industry pays more than one third of the revenue of the district. In any "Popular Representation" Bill the industry would be swamped unless there be just and fair nomination membership. It must be remembered that such a Bill would pass through the Legislative Council. At the present time the British non-official group is in such a position that by its influence and action it would probably obtain that nomination. But in another Council, under perhaps another constitution, at a time when racial feeling might dominate, that might not be the case.

It is therefore a matter of urgent importance for the future of British industry and British residents in this country that sufficient and just representation should be secured. The Southborough Committee, before which I gave evidence, gave us representation upon the Legislative Council—representation which, although not excessive, has sufficed for the safeguarding of the great British capital interests in the Province.

I do not know what procedure will be followed by this Commission, but I do urge most vehemently that in some way—preferably in the new Bill to come—British representation will be preserved and secured. And that not only upon the various legislative bodies, but upon those which appertain to Local Self-Government also.

If there are to be steps forward, towards responsible Self-Government, it is unlikely that those will satisfy the extreme Swarajist or Nationalist. If on the one hand he obtains more power, and on the other he is still dissatisfied, he would have an opportunity of venting his wrath upon the Britisher, if he be able to prevent or to decrease the latter's "say" upon local self-governing institutions. Suppose a Swarajist Ministry with a Local Self-Government Bill before the Council. It is extremely probable that that Ministry would insist upon treating the British resident in this district as an individual only, eliminating the fact that that resident stands for a large capital and thousands of workers who have no vote. It is for these reasons that I bring this point so strongly before the Commission.

Communal representation is, in my opinion, a necessity. In the present state of communal hatred in Bengal it is not practical politics at all to even consider any other method that may be suggested. And, in my opinion, that holds good throughout for local institutions as well as for the legislatures. Any measures or methods such as "joint electorates," which sound so well in theory as leading to the elimination of the communal electorate as such, would be futile. Either they would not operate at all or they would allow the Hindu, with his larger share of wealth, education and ability, to completely dominate the political situation. The Muhammadan knows that fact well, and the introduction of any such proposals would, I believe, bring revolution much nearer than it has been since the Mutiny.

1 (d) A number of members of the Legislative Councils go but little amongst their constituents, except when an election is drawing near. But those that do, either because their own residence is in the constituency or because they desire to know and to understand those who have elected them, retain their influence.

In other words, the education of the elector has commenced. He is beginning to learn what to expect from his member, and "personality" will, I think, count in India even more than in the West. That is

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reasonably sufficient amount of money for development of the transferred departments, had there been the will to work the system with Ministers in power with a stable majority, Dyarchy might have been very successful. At any rate, I have never been able to extract from any critic proposals defining any alternate form of Constitution which could have brought more success. Dyarchy does give Ministers the Power to achieve much for the progress of Social Reform.

During the first three years of the Reforms, the new Constitution—Dyarchy—functioned fairly well in this Province. Sir Surendra Banerji, Sir Provas Mitter and the Nawab Ali Choudhury, with the exception of the Act which brought into being the Calcutta Corporation, were able to do but little except administer their departments, because the Meson Settlement deprived Bengal of the means to progress at all. Every department had to be cut to the bone. The want of money killed Dyarchy's chance of success in Bengal. It has harmed Bengal much more than that. But had the Ministers been able to do something for the betterment of the people—and how urgent that is the Commission cannot comprehend, unless they visit the real mofussil—there would not have been the landslide with the Swarajist victory in 1924.

Dyarchy's defects are fairly obvious. The divided responsibility, each Minister directly appointed by the Governor, the verdict of the Council being given in the Budget vote or with a vote of no confidence. No Ministry as such, working together as a ministry with a policy. Whether it will even be possible to find such a Ministry, unless and until the communal difficulty be removed, is a moot question. Then, the period is too short, especially for a country where Democratic Government is new. A Minister only begins to learn his job and to get hold of the strings in three years. If it were five years, then there would be more hope of real achievement.

The Ministers are too few and each has too many departments, especially since the number has been only two. As soon as he takes office, he is overwhelmed with files and administrative detail. Heads of department ask for orders and instructions on this and that, and the Minister is involved in a perfect maze. He cannot find time to study the real problems of any department, and to evolve a real policy.

Again, he is badgered and worried by a host of applications from political supporters and others for jobs and billets for relations and friends. The communal question intensifies the difficulties here very much, and a Muhammadan suffers the most, because there are considerably fewer of his co-religionists in subordinate office, and the community thinks—and rightly thinks—that there should be a more just division. No Britisher from Home can possibly imagine the amount of worry—and work of a kind—that comes to a Minister in this way. And when that Minister is not sure of his majority, and does not want to lose one supporter in the Council, his difficulties are, indeed, very trying.

There has been considerable criticism of Dyarchy from ex-Ministers, and especially from those not long in office. The fact that it is so hard to rise above the maze of administrative detail to concentrate upon the real work of his office accounts for part of this criticism. But there is another reason for this criticism and this is the Indian uneducated idea of a Minister's position and powers. Many, apparently, think that a Minister should be in power like a small Mussolini, with unlimited money and vast power. As yet, the Indian—or so it seems to me—does not comprehend the fact that a Ministry must hammer out its general policy as a Ministry, with distribution of what funds there are, in accordance with that policy. Indians take but little account of the commitments of Government before their time for schemes and projects already under weigh.

Now, of these defects that I have mentioned, some are due to the non-experience of the Indian and

to the fact that he has yet to learn not only to administer, but even the ordinary outline of democratic government itself. Some defects are due to the fact that a Minister, an untrained administrator usually, is treated by his Secretariat much as is the Member of Council. The British Member has twenty years of administrative training, while the Indian has not the political equation to bother them. Other defects are inherent in the present constitution.

But my point is that Dyarchy can be improved, and upon its basis a new constitution can be evolved, giving more responsibility and more of that experience and trial of the art of government which I believe to be essential before full responsibility be granted in the Provinces.

(4f) There is one most important point, which must be constantly remembered by every student of Indian affairs, when he attempts to grasp the position and growth of Parties, both in the Assembly or in the Bengal Council. A Member of the Council may have joined the Swarajist Party, or the Liberal or the Union—the name does not matter—but if and when certain questions arise all that fades like a cinema picture, and the Indian Member becomes at once just Hindu and Muhammadan. Constantly and frequently the communal question alters a situation, and asides of it, so to speak, crop up in the most unlikely places. I will give an instance, an illustration which may be more interesting than my personal observations.

In the 1924-6 Legislative Council the Government of Bengal brought forward a Bill for the Reform of Local Self-Government. The object of the Bill was to democratise the whole system, bringing it into line with the Constitution. Now, all parties and every member recognized that such a Bill was desirable, and, on the whole, the provisions and proposals in the Bill were approved. The Bill did not go far enough to satisfy the Swarajists and Radical Members. In spite of that, however, on the merits of the Bill itself, there would have been a majority in favour of about 20. Then there arose this curious situation. The Swaraj Party at that time contained 13 Muhammadan Members. Mr. C. R. Das was dead, and there were signs already of the decline of Swarajist influence. The one idea of the Swarajists, then, was to keep the Party together. But if this Bill was even presented for a first reading, at once the question of communal representation would arise in full cry. The Swarajist Muhammadans would vote solid Muhammadan, and the majority of the Swarajist Hindus would actively oppose—it might indeed break the Swarajist Party altogether. Its leaders took hurried counsel—they made the matter a Hindu question without informing the Swarajist Muhammadans, and by combining with the Moderate Liberal Hindus on the other side, the combined Hindus prevented the introduction of the Bill, on the grounds that it was a reactionary measure, much to the amusement of the Government Member in charge of the Bill, for he had heard nothing of the subterranean intrigue.

The Swarajist Party is the only one which is organized with any efficiency. It captured the Congress organization and used that. The victory that it won in 1924 was due partly to this organization, with no opposition of the same nature, with the younger vocal element to assist. The Swarajist victory left but the remnant of the Liberal Party, and with the Swarajists was a nearly allied group calling itself the Independents. Besides that the party actually attracted quite a number of Muhammadan Members—a remarkable achievement, for the Swaraj or Congress Party is in reality the Extreme Hindu Party.

The Party was organized and made by Mr. C. R. Das, a remarkable and talented individual whom Bengal could ill afford to lose, and who had the respect and regard, for his sincerity and patriotism, of his political opponents, who only regretted that his talents were not devoted to constructional work. Since Mr. Das's death the Party has been slowly

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declining in numbers and influence, though it has retained its place as the main anti-Government Party by its appeal to the Nationalism of the Bengalee people, by specially identifying itself with the cause of the Political detenus, and by the sway that these have over the younger and more impressionable generation.

But leaving the Swaraj Party aside—and even there several times discipline has nearly broken—what has struck one most during the life of the last two Bengal Councils has been the influence of what one may call “personalities.” Personal feeling, personal like and dislike, feuds or quarrels between leaders or would-be leaders—time and again these have prevailed over Party ties and election pledges. More than once ex-Ministers have been seen voting with the Swarajists in attempts to defeat other Ministers. In the second Bengal Legislative Council there was a small majority for Dyarchy—to give the Constitution a chance. But Mr. C. R. Das's influence together with, and taking advantage of, this tendency towards personalities was able just to defeat Government and the pro-Constitution groups.

The years 1924, 1925 and 1926 saw the gradual increase of the acute inter-communal hate and discord, and at the election at the end of 1926 only one Muhammadan was returned as a Swarajist. It seemed for a while as though a United Moslem Party might dominate the situation. But then again came into play this matter of personality, with a split into two of the Party. One group followed Mr. Ghuznavi and another Sir Abdur Rahim. To begin with there appeared to be no political differences between these leaders, but their differences were accentuated by the fact that Lord Lytton nominated Sir Abdur as a Minister, and he found it impossible, on account of his acutely pro-Muhammadan opinions as expressed in his famous Aligarh speech, to find a Hindu colleague to work with him. Many of us thought that it would have been wiser, and better for the Province, if Lord Lytton had offered a Ministership to both of the Muhammadan leaders, when probably at least one Hindu of influence could have been found to work with them. But the opportunity was lost, Mr. Ghuznavi succeeded where Sir Abdur failed, and Mr. Chakravarti joined the former as a Minister. Sir Abdur Rahim went into active opposition, and with the Swarajists and with deserters turned out that Ministry in August, 1927. Then after a period of investigation, Sir Stanley Jackson appointed Sir Provas Mitter and the Nawab Musharruf Hossain. They have survived, in spite of the intrigue of the defeated Ghuznavi Group, and more remarkable, in spite of the fact that Sir Abdur Rahim has again endeavoured to evict the Muhammadan Minister. The Nawab Musharruf Hossain was Sir Abdur's lieutenant and nominee. But later there was one of the quarrels which are so frequent, and they too are now at enmity.

I have given this account in the attempt to show the dominance of this feature—personal feeling—prevailing.

The tendency therefore is for the formation of small groups under leaders and would-be-leaders.

Another feature of the situation is the very considerable number of members of the Council who are candidates for the office of Minister. It would astonish the Commission if they could actually see how many there are—gentlemen who cannot understand why they have not been selected. Often these would-be Ministers have no following, or hardly any followers, and they often also appear, at any rate, to have no outstanding ability or recommendation in themselves for office.

The whole position lacks stability. Groups and little parties shift and change like the sands, and it is difficult to foresee what will happen a month or two ahead.

The British Group of 16 members has, of course, since the initiation of the Reforms, fought consistently and steadfastly to give the Constitution and the Law

the chance to function. The Group is organized and works as one, and it has been the one factor in aid of steadiness and stability. In the absence of outstanding speakers or debaters on the Government benches, the British non-Official has generally led the debate pro Dyarchy. But there has been so much intrigue, and so much by-play, amongst the Muhammadan and Liberal Groups—during these past two years—that the British Group has been led to the determination, that, should the present Ministers be defeated, it will stand aside and support no more.

Since 1924 the Council has wasted its time in this constant intrigue and faction fight. The majority in favour of the Constitution, as voted in the last Budget motion of Ministers' salaries, was 80–40. And yet a stable Ministry cannot be formed. On the other hand, the condition of the people is one crying for amelioration. There is a huge field awaiting Reform—health and water supply, agriculture and education. There is now a little money—not much it is true—but sufficient for the commencement of progress. Nothing, or very little, is being done, because the representatives in the Council follow the example of their leaders, who quarrel amongst themselves as to who should be Ministers. They cannot sink their differences for the sake of their constituents, who need so much and receive so little of all that makes life worth living.

I say, therefore, that the proposals which I have made are the limit that can be safely given, until there has been more education—education in the duties of leaders, and of representatives to their constituents, with less thought of themselves, and what they personally hope to gain from their position as Members of the Council.

4. (c) (d) and (e) I have made my proposals, because I think that there must indeed be some attempt at the collective responsibility of a Ministry, and the elimination, if it can be done, of the individual Minister effect. It is the communal chasm, so I have said, which makes the solution so difficult. The Muhammadans although they have lately lent themselves to Hindu and Swarajist intrigue, for the special purpose of defeat of a Minister, yet do not trust the Hindu. They know that educationally they are backward in *re* the Hindu; they know that they have fewer leaders of ability—the numbers at the Bar and in the law and professions prove that—they know, moreover, that Hindu wealth dominates theirs; that there are five Hindu landowners to one Muhammadan. Hence they fear the rule of a Hindu oligarchy and they do not desire the departure of the British official and the British connection. They desire, of course, more power and position for themselves, and they will often speak in public of the Utopia with the Hindu and Muhammadan hand in hand governing their own country.

But they know that that cannot be yet, and I foresee, when the Constitution does permit a Ministry as such, a communal battle even *more bitter* than any yet.

A Governor's position in this Province is difficult indeed. And yet for the future, if there is to be safety, he must surely be provided with more veto and more power. There must be power to veto any unfair racial or communal treatment. There must be power to step in and govern if a Province reaches an absolute *cul-de-sac* in its Ministry Government, or in the Legislative Council. Even of more importance than the powers of a Governor is his personality and ability for the task—a Governor with no experience of administration, a man who believes that the people must govern themselves, leaving aside the conditions, might do infinite harm. It is to be hoped that the Commission will lay the greatest stress upon the importance of selection. Governors should surely be selected for their fitness for the task and ability alone, leaving aside all British political consideration.

4. (f) My opinion is that a Second Chamber is



there should be another short intermediary stage between Dyarchy and full-fledged self-government. Full representative government can only be attained by a process of evolution and cannot be begotten in a day. If the Provinces are granted more or less autonomy and the proposals adumbrated by the Associated British Chambers of Commerce are given effect to, they will be as near full self-government in the Provinces as can be desirable in the interest of good and efficient government. But the all too sudden cataclysmic change in the system of the Central Government as advocated in the Nehru Report can scarcely be suited to the conditions still obtaining in India. The attempt to browbeat England, which is the fashion nowadays, by passing "Independence Resolutions" or by suggesting that there will be internal upheaval leading to revolution if the sum total of the demands made by the vociferous section of politically-minded India is not granted, need not be taken seriously. Let us be frank to ourselves and be frank to the world outside and say that, while our legitimate desire must be recognized as full self-government, we should so shape our pace that in the process of reaching it we may not trip and fall into pitfalls of chaos and anarchy.

In the following pages, while laying bare the glaring defects and shortcomings of the present constitution, I have endeavoured to put forward suggestions for a short intermediary stage before we are fit for full Dominion Status.

I have also made it perfectly plain that the Moslems as a whole are not prepared to accept any further Reforms or even tolerate the present Reforms, unless essential and fundamental safeguards for the protection of the legitimate rights and privileges of the important Minorities are embodied by Statute in the Constitution itself.

There are certain other matters which strictly speaking do not perhaps come within the terms of reference under which the Commission is acting. One such is Usury which affects vastly the economic condition of the people and indirectly interferes with freedom of voting, inasmuch as the money-lending class can exercise undue influence over the indebted voters. For this reason I have deemed it necessary to deal with this as well as another matter, viz., the question of Public Holidays which will be found in the Appendix.

ABDELKERIM GHUZNAVI.

Calcutta, dated the 20th August, 1928.

#### PREAMBLE.

Since the announcement of the appointment of the Indian Statutory Commission, politically minded India has been split up into two camps, one for opposing and the other for assisting the Commission. Those who have settled down with the idea of co-operating with the Commission in order to assist in leading India onward in the path of ordered progress, have in view the goal of a self-governing India with Dominion Status conferred on her by the British Parliament. Those who, from honest convictions and not for the mere delight of causing obstruction, are out to oppose and non-co-operate must evidently be urged thereto by the same belief which animated their gifted leader, Pundit Motilal Nehru, when he bluntly said before the Assembly the other day that "it was puerile for anybody to think that the British Government seriously intends at any time either in the remote or in the near future really to give responsible Government to India."

It seems therefore that at the root of the present raging and tearing imbroglios, controversies, and maelstroms lies the question whether England is really honest and sincere in her intentions and professions of holding up the goal of Dominion Status before the gaze of India. If as is believed by that eminent leader, Mr. Nehru, and a large number of his following it is all bluff, pure and simple, on the

part of British statesmen, then the ground under the feet of the co-operators will be at once cut away and they may as well cry halt and take fresh stock of the situation. If, on the other hand, the contrary were the case then there can be no *raison d'être* on the part of the non-co-operators to continue their obstruction.

The crux therefore of the whole position lies in frankly and fearlessly answering the straight question "Is England Honest?" It is no answer merely to say that those in authority from His Majesty the King-Emperor downwards to many eminent statesmen including past Viceroys and our present noble-minded and high-souled Viceroy, H. E. Lord Irwin, have taken every available opportunity of nailing the colours to the mast, nor would it be sufficiently convincing to add that the charge of insincerity levelled by the Pundits cannot stand because by implication it would fasten total incompetence and obtuseness on these stalwarts. The initial misconception of the Pundit seems to have been in thinking that Dominion Status involved the right of separation. To my mind therefore the only method of dispelling these clouds of doubts, misgivings and suspicions is, firstly, to consider whether (a) Dominion Status does or does not involve the right of separation, and (b) whether England can confer Dominion Status or in other words self-government to India purely in her own material interest.

Now Dominion Status *per se* is not any particular mode of government. It merely involves the relaxation by the British Parliament of the control which it directly exercises through the Secretary of State. A study of past history would at once reveal the fact that Dominion Status can never contemplate the right of separation. True, the United States of America tore herself away from the Empire, but she did so purely owing to the bungling and blundering of Lord North who paid no heed to the cry of "no taxation without representation," and seems to have been obsessed with the idea that America was colonised with all nondescripts, including gangs of criminals, who had to be coerced and tied to the apron strings of the Empire by chains of iron. If, however, on that memorable occasion, Pitt's liberal policy had only been followed and this very Dominion Status granted, America would still have remained, for all we know, within the British Commonwealth.

Next as to (b), the plain answer is that if it really were to the material interest and benefit of England to keep all her Dominions in direct possession, control and tutelage in the same manner as she is holding India to-day, then there could never have been any reason for her relaxing her control from any part of her Dominions and there would have been no cause for her bestowing self-government on any portion of her colonies and conquered territories. But he who runs can very well read that for a "nation of shopkeepers and traders" their material and genuine interest can only lie in their obtaining trade facilities and securing as much as possible the markets of the world. So long as these very material and fundamental objects are secured, no nation which has only these for its main aims would be inclined to shoulder the additional burden or incur the unnecessary worry of the governance of a country simply for the fun of governing it in the interest or otherwise of the governed. But England can never relieve herself from that worry or lay down that burden with respect to any part of her territories which cannot stand on its own legs and is not fit to govern itself. Thus it is opposed to all canons of commonsense and business instinct that she should saddle herself with the additional and thankless task of the direct governance of countries where her trade facilities are secured and where, at the same time, the people are fit to govern themselves. Is it, therefore, not reasonable to conclude that as soon as the people of this country are really fit for self-government England in her own interest would be only too glad to relieve herself of

her thankless task of directly governing this country? The United States of America are at present engaged in the very same problem with regard to the Philippine Islands where, though the Commission appointed by the States reported unfavourably, yet a further trial is being given. England would have long ago washed her hands of the direct governance of this country if India were really a nation. Unfortunately she is not so yet and not only does this sub-continent of ours contain millions of unlettered men, but it is composed of large assortments of races and creeds hereditarily antipathetic to one another, which so far have not been able, unaided, to form a joint government acceptable to all the different peoples that go to make India. With the march of time, conditions, however, have greatly improved and the course set by the Reforms was chosen in the confident hope that India could settle down as one great happy family, self-governing yet still remaining within the British Empire. We Indians also share that hope, and it is for that reason that patriotic men of all schools of thought are united in demanding a further stage in the onward march.

*Future Constitution must contain Statutory Safeguards for Minorities.* But here it is my duty as a Moslem and as one who has been in public life for over thirty years and studied the past and present conditions prevailing in his community, who feels their pulse, and who shares their aspirations and misgivings, to utter a word of caution.

Moslems of India, if anything, are more interested than other communities in the general question of the extension of the Reforms and the grant of larger and more fundamental and permanent powers of self-government. They are equally interested in the general political progress of this great country, to which they have given their own glorious traditions of organised government and of the generous treatment of minorities and even of aliens; but whatever future constitution may be evolved, that Constitution must contain Statutory safeguards for the just and legitimate rights and privileges of the minor communities, particularly the most important minor community, viz., the Moslems of India. Without these safeguards embodied in the Constitution itself, Moslems of India are not only opposed to further extension of the Reforms, but even to their present continuance, as they fear that in such eventuality the net result would be the extinction of Moslem political existence and influence in India.

These fears are equally shared by the sixty millions of the Depressed Classes. Rao Bahadur M. C. Raja, M.L.A. representing the Depressed Classes emphatically stated that "they (the Depressed Classes) would tell the Commission that they could not but view with fear and anxiety the decreasing power of the British element and the increasing power of the caste-bound oligarchy and that the Commission should on no account sacrifice the interests of the Minority Communities out of deference to the wishes and sentiments of the Majority Community. He would tell them that the politically-minded class form but a microscopic minority who were now nervous of being exposed about their real attitude towards the Depressed Classes and were therefore afraid of facing the Commission."

Thus it is a *sine qua non* with the Moslems of India that adequate and indefeasible safeguards for the due maintenance of their just and legitimate rights and privileges should be made a part and parcel of the future Constitution itself.

As in all the Memoranda submitted by the various Moslem Associations throughout India including the Central National Muhammadan Association, of which I have the honour to be the President, as also by various prominent Moslem public men, these points have been stressed, I need only refer to them without enlarging upon them here myself. I shall briefly enumerate those safeguards later on in the course of this Memorandum and say no more about them here. I therefore assume that these safeguards shall be duly incorporated by statute in the new Constitu-

tion which will be the outcome of the labours of the Indian Statutory Commission.

### INTERMEDIARY STAGE.

Assuming then that Statutory safeguards will be provided for the protection of minorities, the next question to consider will be whether we are fit at the present moment for receiving full power of self-government with Dominion Status straight away, without an intermediate period, however short. The Montagu-Chelmsford Reform Scheme contemplated gradual constitutional development in this country and, as a preliminary step, introduced Dyarchy for a period of ten years. Though Dyarchy has been tried and found wanting in its various aspects, yet having regard to hard and plain facts, which are stubborn things, it seems that there should be an intermediate stage, albeit with the grant of Provincial Autonomy, between Dyarchy and Dominion Status.

I realise that there is an intensive feeling among a section of our advanced politicians that full-fledged self-governing powers should be conferred on India to-morrow. If I sincerely felt that we were ready at the present moment to assimilate such powers, no one would have been more emphatic in his demand than myself for the immediate grant of the same. But looking calmly and soberly around us and realising that even jarring communal and racial interests yet remain unadjusted, that the political sense of our electors is not yet appreciably developed, that the question of illiteracy is not yet sufficiently tackled, nor the necessity for taking a dispassionate view of all conflicting questions, the supreme duty of placing nationhood above community or self yet fully understood, I for one think that it will be wiser in the best interests of our country itself not to rush headlong, but to accelerate the pace towards Dominion Status and go through a short intermediary stage.

Before indicating briefly how that intermediate stage should be shaped, having had the advantage of working the Reforms and Dyarchy throughout this period, during which twice I acted as a Minister, I should like first of all to point out some inherent and flagrant defects of the dyarchical system.

### DYARCHY.

Those who have worked the Reforms, and even eminent English statesmen, are agreed that Dyarchy is not workable. Speaking in the House of Lords, some time back, the present Secretary of State for India is reported to have said, "I myself was always very distrustful of the dyarchical principles. It seems to me to savour of a kind of pedantic and hide-bound Constitution to which the Anglo-Saxon Communities have not generally responded, and which, in my anticipation, was unlikely to make a successful appeal to a community whose political ideals were so largely derived from Anglo-Saxon Models." The late Lord Curzon, too, expressed himself as follows in an earlier debate in the House of Lords:—"I abominate the system of Dyarchy, but when the Committee of your Lordships' House decided to recommend it, because they said they could not find another alternative, I bowed my head and acquiesced." Even Sir William Marris recorded his opinion as follows:—"Dyarchy is obviously a cumbersome, complex, confused system, having no logical basis, rooted in compromise, and defensible only as a transitional experiment." Lord Lytton, in his swan-song, gave expression to his views about the present Constitution in the following words:—"The existence of an Executive which cannot be removed by the Legislature and of a Legislature which cannot be removed by the Executive is not calculated to produce harmony between the two, and without harmony between the Legislature and the Executive, efficient government is impossible. To ensure harmony an elected Legislature requires an Executive responsible to it and removable by it, and an irremovable Executive requires a nominated Legislature."

The first and foremost reform that I am impelled

to press before the Members of the Commission is to remove the anomaly where half the Government have got to depend on the vote for their salary, nay, for their existence, whereas the other half have not. Independence of action must be restored to the entire Executive or the whole Executive must sail in the same boat. History teaches us that where the Executive has been strong, the State has been efficiently governed and, therefore, prosperous and powerful and *vice versa*. This has been true in autocracies and monarchies as well as in democracies.

The democratic system of government prevails in England where, however, it is the Executive that controls the Legislature, a fact not sufficiently realised in this country. In the United States of America and Switzerland, the Executive can always count on remaining in office for several years and thereby combines responsibility and power for its acts. Therefore, without an Executive irremovable for a certain period, no efficient government is at all possible. In England, as has been stated already, the Executive which controls the Legislature is, however, responsible to the Legislature. If there is an adverse vote it is the whole Executive that goes out of office and another Executive formed out of another party takes its place and likewise controls the Legislature. This is due to the admirable party system prevailing in England where the Executive is only formed from the party that is in a majority, or a coalition Executive is formed which also controls the majority. That feature being absent in this country, the Executive must be formed with members having absolutely equal status, equal powers, and equal independence of action, and they must be sure of a certain uninterrupted period of office if they are expected to do any substantial work, and not merely look to their own existence.

The evils of the dyarchical system of Executive are manifold. A single instance will suffice to prove its innate and inherent unsuitability. It is a matter of common knowledge in Bengal, as well as, outside, that the last Ministry which was composed of myself and Mr. B. C. Chakravarty, was wrecked by foul means; by intrigue and worse, or, putting it plainly, by bribery and corruption. As regards the latter evil, I intend to devote a whole section to it later on. Here I merely desire to point out that even the failure of the Bengal National Bank, with which the Hindu Minister was connected, together with bribery and corruption would not have wrecked the last Ministry. It was wrecked owing to the want of harmony between the Reserved half and the Transferred half of the Government. The difficulties of the Transferred half, particularly in Bengal, have been mainly due to financial stringency. If a Minister worth his salt desired to achieve some material good for his country and countrymen by carrying out policies which, again, depended on the amount of money he could secure from the Finance Member, it would be only natural that occasions might arise when for this very reason he would be constantly at loggerheads with the Finance Member. That is what actually happened during the last Ministry when the Finance Member also happened to be the Vice-President and Leader of the House. During a ministerial crisis, as well as on other occasions, the Government Whip was always made to consider it his business not only to whip up the official members, but also the nominated non-officials and approach even the elected members. When a ministerial crisis arose during the last ministry, the Leader of the House, who happened to be the Finance Member, without the knowledge and far less with the concurrence of the Governor, out of a dislike of the then Ministers, or at least one of them, who was constantly pestering him for money and often successfully getting it out of him in spite of his opposition, chiefly thanks to the absolutely fair-minded support of the Governor, deliberately instructed the then Government Whip (Mr. G. S. Dutt) to tell the nominated non-official members that they were free to vote as they liked. Mr. Dutt made this statement before me and he will,

if necessary, verify it. The nominated members, who on every other previous occasion were accustomed to receive the mandate that they had to vote for the Ministers, on this occasion, receiving a different mandate, interpreted it to mean that the Government, or at least the Reserved side, as represented by the Leader of the House, did not look upon the Ministry with favour and as these nominated members depended for their seats in the Council on the favour of Government, they naturally knew how to trim their sails. Thus several of them abstained from voting and one actually voted against one of the Ministers. Hence, but for this contretemps the Ministry could not have been wrecked, with all the exertions on the part of the Constitution Wreckers even in unholy alliance with other mandate breakers.

Whatever may have been the practice in the Legislative Assembly with regard to the nominated members, in Bengal, at least, during the time of Lord Lytton if not before, there has always been an unwritten convention that the nominated members were always expected to vote with the Government.

For a further elucidation of the incidents narrated above I would respectfully invite the Members of the Commission to a perusal of my speech on that occasion and a subsequent speech shortly after, which will be found in the Appendix.

Thus if both the halves of the Executive Government had been sailing in the same boat, in other words, had been equally dependent on the vote for their existence, a contretemps of this description would never have taken place. To my mind this alone damns the dyarchical system. I therefore repeat with all the emphasis at my command that the first and foremost reform the Commission will have to recommend, so far as the Executives in the Provinces are concerned, is to remove this anomaly and in its place give us an Executive either of the type obtaining in England, Switzerland, the U.S.A. or Sweden; in other words there should be either all Members forming the Executive or all Ministers with an assured definite period of office. All knowledge and experience point conclusively to the fact that a Government worthy of the name, whether Autocratic, or Democratic and Responsible, must always be one Organic Entity.

#### TRANSFERRED DEPARTMENTS.

"The Transferred Departments are in the hands of the Ministers who are supposed to be responsible to the House, but while all the appearance of democracy is there, it is a shell without the kernel. The Minister has to run his departments, but he must have a permanent Secretary over whom he has no sufficient control. If the Minister wants anything to be done, the Secretary can go over his head to the Governor and the latter can overrule the Minister. The result is that although the Minister is said to be responsible to the House, he has to carry out the orders of the Governor." Such are the words uttered by a late member of the Viceroy's Executive Council regarding his knowledge of the working of the Transferred Departments. Another member of a Provincial Executive Council who has many years' experience of the working of the Dyarchy said, "The Minister has no individuality of his own nor is he really responsible to the Legislature, he is really a mandatory of the Governor. The Ministers occupy in popular estimation a distinctly inferior status as members of the Government; they are not servants of the Crown like the members of the Executive Council, but are the nominees of the Governor. The members of the Executive Council take official precedence over the Ministers. The newest Executive Councillor is thus senior to the oldest Minister. The Ministers are precluded under the law from being nominated by the Governor as Vice-President and so are not qualified to succeed him as temporary Governor during the periods of vacancy arising suddenly or by the Governor's going on leave. . . . These restrictions and limitations have stamped the Ministry in the opinion of the general public of

India as the inferior half of the Provincial Government. . . . I shall now quote from a despatch of the Government of Bombay who, writing in 1918, said, "Practically all proposals of importance put forward by the Minister in charge of any of the Departments will involve a reference to the authorities in charge of the Reserved Departments. There are few, if any, subjects on which functions of two sections of the Government would not overlap; secondly, it will be seldom possible in the case of a transferred subject for a Minister to dispense with reference to the departments concerned with the Reserved subjects." This, therefore, means that under the dyarchical arrangement Government comes to be split up vertically into so many parts, each part being responsible to a different sovereign authority.

*Finance.*—I shall now proceed to illustrate this point by showing the relation of the Transferred Subjects with the Finance Department, and in doing so I shall quote from my previous Memorandum on the working of the India Act of 1919 and the Rules thereunder in Bengal, dated 8th October, 1924.

"(a) Under Rule 37 (g) (3), it is the duty of the Finance Department in connection with the budget and supplementary estimates to examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates, and they are authorised to decline to provide in the estimates for any schemes which have not been so examined. Presumably, the intention in framing this Rule was that waste of money through the adoption of immature and unsound schemes was to be avoided, and the Finance Department was considered to be in a position to guard against such waste through its power of examination and of declining to provide for any schemes for new expenditure not examined by them. On the other hand, the whole intention of the Government of India Act is that Ministers should be left free to pursue a definite policy of their own, for which they are to be responsible to the Legislative Council. In practice, it has been found that the Devolution Rule referred to above has had the effect of vesting excessive powers in the Finance Department. The financial examination of schemes is regarded as implying a minute and meticulous scrutiny by the Finance Department of the smallest technical details of each project which would be better left to the discretion of the administrative department. In fact, the Finance Department have practically placed themselves in the position of experts in every department, instead of confining themselves to the more general aspects of each scheme in its financial bearings, which appears to have been the intention of the framers of the Government of India Act. The result is that Ministers are only too often unable to carry through their schemes in the form approved by them and in which they are put by the heads of departments and other expert officers, who alone are in a position to judge as to the soundness or otherwise of such schemes. The rules should be changed so as to limit the powers of the Finance Department.

"Under the present procedure, which is explained in Section 204 of the Secretariat Instructions, even after a scheme has been sanctioned with the approval of the Finance Department and money provided in the budget, no expenditure of a recurring nature can be incurred without the consent of the Finance Department, which should have no power to interfere with the discretion of the administrative department to incur expenditure within the limit of the budget grant. The administrative department should also be given power to make re-appropriation within its budget allotment from one minor head to another without reference to the Finance Department. The absurd position at present is obvious from the fact that the Minister in charge of a department has not the power to transfer even one rupee from one minor head to another without submitting the case to the Finance Department for their approval.

"(b) In order to allow the Ministers the necessary discretion in the matter of formulating their policies

and carrying them out, it must be ensured that sufficient funds are placed at their disposal. The practice at present in vogue is that the purse being common, both sides sit together and settle the budget. In this connection a reference is invited to the report of the Joint Select Committee on clause I of the Government of India Bill of 1919 where they recommended that the Governor should allocate a definite portion of revenue to the transferred subjects and also a definite portion of the balance. I am of opinion that Ministers should be given an adequate separate purse for the transferred subjects under their charge. Certain sources of revenue may be set apart for this purpose. A special Financial Secretary as provided by Devolution Rule 36 should be appointed to look after the finance of the transferred departments. If this were done, the friction which is found to exist between the Finance Department and the transferred departments in various provinces would tend to disappear, and the Ministers would have a fair chance of carrying out their responsibility to the Legislative Council by formulating their schemes and putting them into action."

The above is what I said in 1924. I adhere to it with the following necessary modifications, as the time has now come to proceed to a further stage in our political evolution. The classification of the Transferred and Reserved subjects should be revised and, since it has become necessary to have a homogeneous Executive, it has therefore become unnecessary to have any so-called Transferred Subjects. All subjects should be administered by the new Executive except Law and Order, which may be placed under the direct charge of the Governor.

If it is deemed desirable to transfer Law and Order also, I would then suggest an alternative proposal. The Minister holding the portfolio of Law and Order should have a Board to assist him in administering that department, consisting of three members, one Hindu, one Moslem, and one European, appointed by the Governor; the Governor retaining the power of vetoing any measure which he considered necessary in the interest of public safety and also initiating any measure, which he considered necessary for the maintenance of public safety.

#### POSITION OF MINISTERS IN RELATION TO THE GOVERNOR.

This to my mind has depended, during the present transition period, on the personality of the Ministers and the personality of the Governors. So far as Bengal is concerned, I conceive it to be my duty to testify publicly that my relations as Minister both with Lord Lytton and His Excellency Sir Stanley Jackson have always been most cordial. As I have said elsewhere, this matter solely depends not only on the personality of the Minister who must be worth his salt, but also on the personality of the Governor, who is there to listen to his advice, to give his advice, who is there to guide him and be guided by him. I have to acknowledge publicly my indebtedness to H. E. Sir Stanley Jackson, who always supported me in all the policies that it was my privilege to initiate, sometimes even in the face of opposition on the part of members on the Reserved side, and who never failed to give me the benefit of his advice nor was ever chary of accepting my advice.

All this has been more or less personal, but the inherent defects of the dyarchical system with respect to the relation between the Governor and his Minister, as revealed in other provinces, should be remedied and the position properly defined, so as to remove the possibility of any hitch or difficulty as pointed out in the extracts already quoted from the dicta of several distinguished persons, some of whom have held high position as members of the Executive Council of the Viceroy and others had personal experience in working the dyarchical system as members of the Provincial Executive Councils and also as Ministers. In this connection I would

recommend to the Members of the Commission a perusal of a book entitled "The Working of Dyarchy in India," published by Taraporevala Sons and Co., Bombay, particularly chap. IV, pp. 42—60 on Dyarchy in the Provinces.

#### CORRUPT PRACTICES UNDER DYARCHY.

- (a) In the Council.
- (b) In the Electorates.

With regard to this I shall confine my remarks to (a) only. I shall deal with (b) under Franchise and Electoral Rules. With the inauguration of Dyarchy in Bengal a formidable canker has been introduced into our public life, which is eating up its very vitals. I have no experience regarding this evil in other Provinces, so my remarks under this head will be confined to this Province only.

In the Electoral Rules provision that has been made is scarcely sufficient against corrupt practices during elections, but there seems to be no provision against such practices in the Councils. If there are representatives of the people who can stoop so low as to sacrifice their principles and convictions for a consideration, the Commission would be lacking in their duty if they did not recommend an adequate and effective provision being made against such delinquencies in the Councils.

It has been my privilege to act as Minister twice in two different terms of the Reformed Council, and I regret to have to say that on both occasions my ministry has suffered from these evil practices. I shall first take the case in 1924 when Mr. Fazl ul Huq was my colleague. At that time the late Mr. C. R. Das had ushered in his Swarajya Party, a well-trained, compact and disciplined body who were out to non-co-operate from within, with the avowed object of wrecking the Constitution by means fair or foul on the plausible adage proudly vaunted that "nothing was too mean to achieve the end." While I was in office in 1924 three successive onslaughts were made against us. The first was in February when a Motion of No Confidence was brought up only to be rejected by the House, proving that we did enjoy its confidence. On this the first occasion the sinister weapon was not yet employed. Thereafter in March our salaries were refused by a snap majority of one. I characterise it as a snap majority because though the evil practices were for the first time then started, there was also the accident of certain members amongst our supporters having been unavoidably absent at the time of the voting. Anyhow corruption in the Council began from this date, viz., March, 1924. On this particular occasion as far as is known only one or two members were bought over. Thereafter when the salaries were refused for the second time on the 26th August, 1924, a larger number of members succumbed to temptation. Threat, intimidation, pressure of an unwarranted kind were used with regard to some and the votes of certain others were actually purchased. Matters like these are almost always difficult to prove in a Court of Law, but all circumstantial evidence obtained at the time left no doubt that such was the case. Many members of Government, including the Governor himself, came to know of it at the time, and then the President of the Council would equally bear out what I have stated. Corruption anywhere is bad enough, but practised inside our Council can only tend to make our public life stink in the nostrils of all honest men. These evil practices, far from abating, have gone on increasing from that time onwards.

Later on in 1927 when another ministry came into being in Bengal, that ministry, too, was wrecked by methods such as these, but on that particular occasion there was an additional cause which has been already fully dealt with above.

During the General Elections in 1926 the Central Moslem Council Party under my lead set up a large number of candidates in the various Moslem constituencies. Out of a total number of 39 Moslem

seats some 17 or 18 were captured by our party, 8 or 9 members came under the aegis of Sir Abdur Rahim and amongst the balance 2 were Swarajists and the rest, belonging to no party, were returned on no ticket except their own. In January 1927 the strength of the Central Moslem Council Party was amply demonstrated by the fact that amongst the candidates who stood for election to the Vice-Presidency of the Council, the Central Moslem Council Party's candidate defeated the others by a fair majority and was duly elected. When forming his ministry, in spite of this fact, Lord Lytton, the then Governor, was persuaded to send for Sir Abdur Rahim and he asked him to form a ministry and secure a Hindu colleague. For reasons into which it is unnecessary to enter Sir Abdur Rahim had succeeded in making himself particularly odious to the Hindus, with the result that he could not find any Hindu co-operating member who would agree to be his colleague in the ministry. A few days thereafter Lord Lytton had to ask for his resignation and thereafter the ministry was simultaneously offered to Mr. B. C. Chakravarti and myself. The partisans of Sir Abdur Rahim forthwith launched an active propaganda against me, raising the obviously false plea that I had insulted the Moslem Community by agreeing to work with a Hindu and far more so with Mr. Chakravarti, who it was alleged had refused to work with Sir Abdur Rahim—a statement which had no foundation in fact. But for this *faux pas* that ministry could never have been wrecked. The failure of Sir Abdur Rahim generated personal hatred and jealousies with the result that the Swarajists, who during this term of the Council had not come in sufficient numbers, found ready allies in Sir Abdur Rahim and his following, and combined they decided to throw out the salaries of the Ministers in March 1927. On this occasion when a total refusal of the salaries would have meant a breakdown in the Constitution itself, men who had come with a mandate from their constituencies to work the Constitution, and who had hitherto supported the Constitution, were seen to go to the opposite lobby. Some were impelled thereto by personal feeling, but there were others whose voting power was actually purchased; but as the Moslem wing of the ministry had the support of a large following who, as already stated, were returned during the elections with the help of the Central Moslem Council Party and its funds, a few who seceded from the party owing to temptation did not make any appreciable difference, with the result that the motion for the refusal of the salaries was defeated by a majority of 13 or 14. Thereafter a fresh attempt was made in the following August when a vote of "No Confidence" was moved on flimsy or rather on no public ground whatsoever but merely with the deliberate object of wrecking the ministry. Advantage was taken of the failure at this juncture of the Bengal National Bank with which Mr. B. Chakravarti, one of the Ministers, was intimately connected, and a motion was tabled soon after the said financial crisis. On this occasion corruption played a very large part, and it was so flagrant and conducted in such a brazen manner that the incidents of that occasion were more or less known to most people who took interest in politics in Bengal. The exact incidents of that occasion were set out in a confidential Note prepared at the time, copy of which with enclosures will be found in the confidential Appendix. This Note will give all the available details, most of which were known at the time to the C.I. Department of the Government of Bengal. The evil practices were so flagrant and so shameless that I felt constrained to exclaim at the end of my speech opposing the motion in the parodied words of the poet:—

"Oh what a rarity  
"Of honour and charity  
"Under the Sun!"

vide Council Proceedings, Vol. xxvi, p. 252.

By a strange irony of Fate and for reasons into which I need not enter, Sir Abdur Rahim has now turned against the principal actor in that drama with the remnant of his following. He has again joined the Swarajists and a motion of "No Confidence" was brought up recently in March last against the present Ministers. On this occasion, so far as has been ascertained, corrupt practices were indulged in on both sides as confidential enquiries amongst members of the Council will easily show. Incidentally the ministry was not overthrown on this occasion. This was due, however, chiefly to the over-zealous support lent to it on the part of the then Leader of the House, a Member on the Reserved side, which was much talked about at that time and reports of which appeared in many of the dailies. This shows up the other side of the picture where a Member on the Reserved side, when it suits him, can take the Ministry under his fostering wing and overstep the bounds of legitimate assistance, which is expected from him by the Ministers, by even holding out threats to an elected Member of the Council within the Council Chamber itself. A copy of the report of the incident, as was published in one of the Journals, will be found in the Appendix.

It is nauseating to dilate on conditions such as these, and I take it that more than a sufficient case has been made out for the adoption of the most stringent measures against corrupt practices in our Councils. It will be one of the most serious problems which the Commission will have to solve in the interest of the purity of public life in Bengal.

#### FRANCHISE.

In the Montagu-Chelmsford report we read:—"The much larger electorates that will now be set up, though still a mere fraction of the population, will be devoid of political experience. The habit of considering political issues to be decided by a man's own judgment, or realising the value of the proper use of a vote and of judging candidates with regard to their fitness to represent the electors' views, have all to be acquired. These difficulties will be increased by the general lack of education." I have to confess with regret that the misgivings expressed by the framers of the Montford report have been more than fulfilled, and general education has not since spread at any appreciable rate to justify any further enlargement of the present franchise. General education of the masses still progresses at a snail's speed, and during these ten years, the value of the proper use of a vote has scarcely been realised by the ordinary elector.

I fear my views on franchise will scarcely coincide with the chorus of voices from this and other provinces demanding further enlargement. On the other hand I am constrained to say that those advocating further enlargement could not have given this matter their very serious and careful consideration. Nor have they frankly and fearlessly stated what has been or might have been their experience had they directly participated in any electioneering campaign. If they have, then I am all the more surprised that they could have at all urged further enlargement after the experience which they must have obtained.

Education has spread less among the Moslems than amongst the Hindus. Thus the political sense of the average Hindu voter is somewhat above that of his Moslem confrère. Further the Hindu elector possesses an innate collective sense, and whatever may be his own individual opinion he follows the lead of the majority of the Hindu intelligentsia who are responsible for forming majority Hindu opinion. The Hindu elector automatically takes his cue from the Congress-cum-Swarajist coterie. Thus more than 80 per cent. of the politically-minded Hindus and the Hindu voters are controlled by this coterie. A so-called Moderate or Liberal Hindu seeking election purely on such a ticket finds himself nowhere, unless he can supplement his efforts by the length of his purse or unless he has uncommon local influence. With the Moslem elector, the case

is entirely otherwise. There are no well-organised Moslem parties nor a homogeneous Moslem intelligentsia to control the mass of Moslem electors. During the first General Election which took place immediately after the inauguration of the Reforms, a small percentage only of the electorate went to the polling booth, and they were swayed in their choice mainly by the personal influence which the several candidates could exercise. Thereafter corrupt practices in the Council began to filter down to the electorates, with the result that at every successive General Election corrupt practices have been increasing in geometrical progression. Hitherto in our rural areas we have had to contend with many evils, and there was a crying need for many a social reform. With the introduction of the Reforms, a greater evil has penetrated into our rural areas, simply because an edged toy has been placed in the hands of an infant, a seed has been sown in unprepared soil, an illiterate or half-literate elector has been given the power of voting, tantamount to placing the cart before the horse. Having realised vaguely that the franchise has conferred some sort of power on him, the elector, instead of using that power for the proper selection according to merit of a candidate seeking election, finds in it a ready instrument to turn to his profit. If only an authentic and real return of the election expenses of candidates could be obtained, it would be a staggering revelation as to what expenses a candidate had to incur by way of corruption. The electors being enriched in the process, and the successful candidate having secured his election by a heavy outlay, he is naturally prone to recoup himself from the well-filled purses of the popular Ministers who have to seek his vote, or from the Swarajist caucus who are out to destroy the Constitution by methods "however mean." Thus woe to the unfortunate Minister who, out of his sense of integrity and honour, refuses to unloosen his purse-strings and pander to the whims and caprices of the blacklegs, for he is foredoomed to fall; and it matters not a scrap what ability he may possess or what past services he may have rendered to his country or how conscientiously he may have been discharging the onerous duties of his office. If he wishes to retain his seat on the ministerial gudgeon, he must have abundant patronage, by way of vendor's licenses or otherwise, to bestow and long purse-strings to unloosen, and bow down to the caprices and whims of all the blacklegs that have in their turn been fleeced in the process of their own election to the Council. Thus a merry-go-round of profit and loss and loss and profit has been installed, with the electors and their representatives moving in a vicious circle and whirling round the Ministers. Such is the sad and sickening picture of the inner workings of the present system. There is a silver lining to every cloud and, in the midst of this nauseating cesspool, be it said to the credit and glory of Bengal that there are many honourable exceptions, both amongst the electors and their representatives in the Council.

The body physical requires a true and faithful diagnosis to discover a cancer or a tumour for operation at the hands of the surgeon. The body politic likewise requires a truthful narration of the evils that beset it, if remedy is sought at the hands of the political surgeons, namely, the members of the Commission. This alone has impelled me to place the actual facts that have come under my observation, though I confess I had to do it with a pang of shame for my own countrymen. But the sting is taken away when I recollect that political life in England too, and in other democratic countries has had to emerge from such cesspools and quagmires. In their case it was possible to purge public life, only because there were men who did not shrink from probing the ills to their very depths, and we have to follow their example if we at all desire to see that our political life should be equally purged of such rank evils. Now with these hard facts before us, can we conscientiously advocate any further enlargement of the franchise

before a much greater advance has taken place in the general education and political sense of the masses of the electorates? If anything, one would be inclined rather to advocate that the franchise qualifications should be sufficiently raised in order to secure a better class of electors, and one would be more inclined to take this view, having regard to another important fact, namely, the poor percentage even of the present electors that has actually gone to the polls, though it is true that at successive elections the numbers have been increasing.

If however the present qualifications are retained then I would respectfully offer a few suggestions.

(a) That the Corrupt Practices Schedule be thoroughly revised and means adopted to ensure the reduction of corrupt practices to their lowest possible level. There are on the other hand matters which under the present Corrupt Practices Schedule should be removed from that category, as there is nothing wrong in them nor is any moral turpitude involved thereby. I shall illustrate my meaning by giving one instance. Rule 5 of Part II in Schedule V of the Bengal Electorate Rules forbids: "The hiring, employment, borrowing or using for the purpose of the election any boat, vehicle, or animal usually kept for letting on hire or for the conveyance of passengers by hire." Now the conditions that prevail in our rural areas as regard communications, as also the habits, inclination and mode of life of the electors, are such that it is next to impossible to get them to go to the polling booths unless the terms of this rule are contravened. As a matter of fact, they are contravened, and honest men are compelled to use subterfuges to avoid the implications of this rule. I therefore suggest the enactment of a Corrupt Practices Act which would carefully go into all and sundry matters and be instrumental in eradicating the main evil, and at the same time not place undue hindrance before honest men.

(b) My next suggestion is the formation of electoral colleges for every sub-division, which will alone be competent to send an allotted number of representatives to the Council. These Colleges will be formed in the following manner:—

Each Union Board, where it exists and each Chowkidari Union where there is no Union Board, should be taken as the primary unit and one or more representatives from each Union Board, or from each Chowkidari Union should be elected as the Secondary Electors of the Electoral College. All Electoral Colleges will contain more or less an equal number of members. In Sub-divisional areas where Moslems predominate, each Union will return a certain number of members to the Electoral College, and the Members so elected will form the Electoral College of that particular Sub-division, for returning a Moslem Member to the Council; whereas in the case of a Hindu or non-Muhammadan Electoral College, the Union Boards of that Sub-division along with the Union Boards of the adjacent Sub-division combined, will elect more or less the same number of members to form the Non-Muhammadan or Hindu Electoral College. In other words, if the constituencies remain just as now, i.e. where Moslem population predominates, a single Sub-division returns a Moslem Member, but two adjacent Sub-divisions, together return a Hindu Member, then Electoral Colleges will also be composed of Members elected from each Union of a Sub-division where Moslem population predominates, but the Unions of two adjacent Sub-divisions will elect Members for a non-Moslem or Hindu Electoral College, and *vice versa*.

Each of such secondary electors forming the Electoral College is to be elected by all the adult males who pay the chowkidari tax. This system will thus confer practically Universal adult male suffrage, and will be the means of educating the masses in the rudiments of democracy. The elections will be at their doors, and the men so elected will be those who will have the greatest influence in the various Unions, and will command confidence.

The members of the Electoral Colleges so formed will be less liable to corruption and will be more likely eventually to cast their votes in favour of really suitable candidates. Inconveniences, dangers and difficulties that are now experienced owing to the immensely large number of voters, most of whom are illiterate, untrained, and without any political sense, will be considerably minimised. Candidates elected by the Electoral Colleges to the Councils will then have a fair chance of keeping themselves in touch with their constituencies through the members of the Electoral Colleges, who will be in this scheme the secondary electors to the Legislative Councils.

### ELECTORAL RULES.

(a) In the present Electoral Rules it is laid down that an illiterate voter is to whisper to the polling officer the name of a particular candidate or candidates for whom he wishes to vote. Having regard to the large number of polling officers that have to be employed, it often becomes necessary to employ Sub-Registrars and even Marriage, Registrars to perform the function of polling officers. It is common knowledge that in many instances in the last elections, some of these officers were guilty of improper conduct, inasmuch as they sided with one or other of the candidates, and put cross marks against the names of candidates other than those for whom the particular voters desired to vote. The balloting agency should be radically improved, and some other system of recording should be introduced which will render such malpractices difficult.

(b) In many instances, polling is timed to begin at 10 o'clock, and all voters are required to be within the polling enclosure by 3 p.m. The habit in the mofussil for villagers is to take their day meal at one o'clock, and in cases where voters have to come to the polling booths from a distance of 10 or 12 miles, they often reach there after 4 o'clock, with the result that their votes cannot be recorded. I would, therefore, suggest that the polling hours should be extended to at least 6 p.m.

(c) Moslem voters are particular in saying their Namaz. The Asr prayers have to be said between the hours of 3 to 5 p.m., and Maghrib (evening) prayers in winter at about 5 p.m., and in summer at about 7 p.m. Provision should be made in the case of those electors, who have once entered the polling station, that they may be allowed to say their prayers, and when they have finished they may again be allowed to enter the polling enclosure and record their votes. It has often been brought to my notice that for want of these facilities during the last elections, thousands of Moslem voters who had entered the polling enclosures, and had thereafter gone out to say their prayers, were not allowed to re-enter the enclosures, with the result that their votes were not recorded.

### CONSTITUENCIES.

My remarks under this head will be more or less confined to Bengal. In the local Council, at present, there are 114 elected members of whom

- (a) 39 are returned from Moslem Constituencies.
- (b) 46 from non-Muhammadan or rather Hindu Constituencies.
- (c) 5 from the landholders from the 5 divisions.
- (d) 2 from the two Universities of Dacca and Calcutta.
- (e) 4 from the Bengal National Chamber of Commerce, the Marwari Association, and the Bengal Mahajan Sabha.
- (f) 10 non-official Europeans, and
- (g) 2 Anglo-Indians.

There are besides 26 members consisting of officials and nominated non-officials. Now members from (c), (d) and (e) Constituencies are all Hindus, and have always been so with the exception of one term, when the Dacca University sent up a Moslem representative. The ratio of 46 Hindus to 39 Muhammadans was the outcome of the so-called Lucknow



Pact between the Congress and the Moslem League. whereby the Moslems of Bengal had 40 per cent. assigned to them of the seats and the Hindus 60 per cent., a proportion which in itself is so unjust that in addition to the protest of the representatives of the community, the Government of India themselves considered it unfair, and added their own protest to it. By this arrangement, a very great wrong was done to the Moslems of Bengal, who form 55 per cent. of the population of the Province, by assigning to them a position of minority, whereas they should have been in the majority in the Council. For the sake of fair dealing, and the British people's reputation for justice, if nothing else, this wrong should be righted, and the Moslems, who form the majority of the population, should have assigned to them a majority of the elected Indian seats. This ratio of minority has been further enhanced by the fact that Moslems have never been returned, and can never hope to be returned from (c), (d) and (e) Constituencies. Thus, as things are at present, adding the number of seats from (c), (d) and (e) to the total number of Hindu seats, viz. 46, we get in all 57 Hindu members as against 39 Moslems which raises the disproportion to a much larger extent, and thus practically Moslem representation during all these nine years has been still more reduced.

There seems to be no reason to retain special Constituencies such as (d) and (e), viz., the University Constituencies of Calcutta and Dacca and Indian Commerce. Special representation for Indian Commerce was conceded on the ground that European Commerce was given special representation. If it were done away with in the latter case, the European element in this Province would have had no representation other than the five members from the five divisions. In order to give adequate representation to the European community as a whole, and at the same time to obtain men of a representative character in the community, it was deemed advisable to classify their representation as had been done. The case of Indian Commerce, however, is on an entirely different footing. Every Indian member, for all practical purposes, would always defend Indian commercial interests; particularly is this so in the case of Hindu members, because Indian Commerce is at the present moment largely, if not entirely, in the hands of non-Moslems. Members who desire to take a keen interest in questions affecting Indian Commerce can always come through the general electorate. In the present Council, too, there are men who are deeply interested in Indian Commerce, such as Babu Nalini Ranjan Sarkar, Abdur Razzak Hadji Abdus Sattar, and others who were returned from the general Constituencies.

The Marwari community, however, stands in a different position, and one seat may be allotted to them as at present.

There are at present two representatives from the two University Constituencies in the Province. These men are in no way essentially connected with the Universities, one of them is a Zemindar and the other, though a graduate, has not maintained any intimate relation with his *alma mater* since his college days. Thus these representatives cannot be said to represent any special interest in their Constituencies. Therefore it is, if anything, an abuse of special representation. This state of things is bound to continue so long as the electors of these Constituencies consist, in overwhelming numbers, of young, irresponsible graduates. In fact those who in the present and in the last Council most interested themselves in questions affecting the Universities have been men who were returned by the general Constituencies.

At this further stage of our constitutional progress, there seems to be no cause for retaining any nominated members, except when any special question of a technical nature may arise, one or two experts may be nominated as members. As Dyarchy must necessarily be scrapped, there will be no members of the Executive Council as *ex-officio* members of the Legislature. The Cabinet will consist only of

Ministers appointed from the elected members of the Council and the Local Senate. The present size of the Constituencies may be reduced by half so that, roughly speaking, the total number of members will be double the present number forming the Council. The Council will thus consist of 280 members divided as follows:—

- (a) Moslems.
- (b) Hindus.
- (c) Landholders.
- (d) Europeans.
- (e) Anglo-Indians.
- (f) Depressed Class and Labour.
- (g) Marwaris.

Now in fixing the proportionate representation of the above Constituencies, it will be helpful to consider the Census figures of Moslems, Hindus and the Depressed classes. I append below a table taken from the Census of 1921:—

	In Round Figures.
Moslems .. .. .	2,52,00,000
Caste Hindus :	
(a) Brahmin .. .. .	13,00,000
(b) Kayastha .. .. .	13,00,000
(c) Baidya .. .. .	1,00,000
(d) Rajput .. .. .	1,25,000
(e) Buddhist and Jain .. .. .	2,80,000
	31,05,000
Depressed and Untouchables :	
(a) Kaibatta .. .. .	26,00,000
(b) Namasudra .. .. .	20,00,000
(c) Rajbanshi .. .. .	17,00,000
(d) Bagdi .. .. .	9,00,000
(e) Santal .. .. .	7,00,000
(f) And other minor groups	95,00,000
	1,74,00,000

Thus it will be seen that the caste Hindus, including the Buddhists and the Jains, come to thirty-one lakhs and five thousand, whereas the Depressed Classes come to one hundred and seventy-four lakhs. The total of these two come to two hundred five lakhs and five thousand, whereas the Moslem population is two hundred fifty-two lakhs. I have already stressed that representation should be mainly on the population basis as between Hindus and Moslems in Bengal and the Punjab. But as between caste Hindus and the Depressed Classes in Bengal, having regard to the disparity of the figures of their respective population, it will be perhaps necessary to give larger representation to caste Hindus beyond what is due to them, in view of their social standing and political importance.

It will be open to the Governor to appoint, in addition, one or two members as experts as occasion arises.

#### AUTONOMY.

*Central.*—The Government of India will have complete autonomy in all subjects classified as Central with the exception of Subjects 1-5 of that Classification, viz.:—

- (1) Defence of India and all matters connected therewith.
- (2) External relations, including naturalisation and aliens and pilgrimages beyond India.
- (3) Relations with States in India.
- (4) Political charges.
- (5) Communications to the extent described as at present.

The Secretary of State under the Crown will retain control only over the subjects detailed above, and in all other respects the Central Government will be free from control and interference.

*Provincial.*—Provincial Governments will have complete autonomy in all subjects classified as "Provincial" at present.

The Classification of subjects into Central and Provincial as at present determined may perhaps stand with slight modifications as under:—

- (a) The present Classifications apparently have



been made with considerable care, but one or two matters deserve consideration.

*Meston Award.*—I purposely refrain from dilating on the Meston Award, because it is a matter which has been pressed not only in all Memoranda from Bengal but also in the Government Memorandum as well. The Meston Award has been one of the main causes of crippling all activities in Bengal and of starving the Transferred Departments. It has been the one spectre that has been haunting like a bogey every Ministry that has come into existence. What I wish to point out is that, even with the revision of the Meston Award, the finances of Bengal compare very unfavourably with those of other provinces, whereas our needs and wants in the co-called Nation-building Departments are in certain respects even greater than elsewhere in India. Education is at a very low ebb. The most malignant epidemics such as Cholera, Kala Azar, and Malaria, are responsible for millions of deaths annually, whereas they are all more or less preventable diseases, but cannot be tackled for want of funds. The scarcity of pure drinking water in our rural areas is increasingly adding to the general death roll. In short the Department of Public Health is at present being more or less starved. On the other hand Bengal is the home of Jute. The revenue derived from Jute goes more or less wholly to the Central Government and Bengal scarcely gets anything in return for the same. I am therefore inclined to recommend that from subject 11 under the head of Central Subjects, the duties on Jute and the revenue from Income tax should be transferred to the Provinces. If both these items cannot be transferred we strongly press that at least the duties on Jute should be surrendered. It is the minimum reparation that is due to Bengal. Not only is Jute the peculiar product of Bengal, but revenue from it is derived from the sweat and toil of its teeming millions.

(b) Subject 20 of the List of Central Subjects relates to the development of Industries. In this connection I may say that Provincial Governments ought to have complete autonomy with regard to all Provincial Industries.

*Provincial Councils and Composition of Cabinet.* In the case of Provincial Legislatures the Governor will select his Ministers from among the members of the Provincial Council as well as the Senate and they will hold office with joint responsibility and will be responsible to the Council. There shall be at least two Ministers appointed from the Provincial Senate.

*Number of Ministers.* The number of Ministers should be seven, who will be selected from the important communities according to their representation in the Council.

There will be no Reserved Subjects. All subjects, other than those classified as "Central," will be distributed amongst the members of the Cabinet with the exception perhaps of Law and Order.

*Term of the Council.* The term of the Council will be five years.

*Governor's Powers.* The powers exercised by the Governor under the Act will be curtailed and will be defined.

The Permanent Officials, viz., the Secretaries, will have their powers equally defined.

*Minister's Powers.* Powers which Ministers possess under the present India Act will be enhanced and will likewise be defined.

*Continuity of Policy.* There should be some convention for the continuity of policy in the Departments, so that schemes and works of public utility started by one or one set of Minister may not be pigeonholed with the change of Minister or Ministry.

During the first three years of the Montford Reforms the Ministry remained in Office in Bengal without any change, with the result that some of the

schemes initiated by that Ministry could be carried to fruition. During the next three years, however, when the Swarajya Party, led by the late Mr. C. R. Das, came into being, from the very beginning of the formation of the Ministry onslaughts were launched and there were constant changes, with the result that no work of any value could be turned out, and what schemes and policies were initiated were shelved one after the other.

*Water Hyacinth Problem.* During the third term the same story repeated itself. I might here quote my own experience. During my recent term of office, I had the privilege of initiating many schemes for the material welfare of my countrymen. Take for instance, the campaign against Water Hyacinth. For many years past this pest had been making woeful ravages in our countryside; the figures obtained in 1920 showed that in the case of one district alone, namely, Faridpur, the damage caused to agriculture amounted to over 40 lakhs of rupees. Faridpur has been very badly affected, but taking half of that figure, namely, 20 lakhs of rupees as the average amount of damage done to a district in Bengal and multiplying that figure by the number of districts, namely, 26, we get roughly over 4 crores of damage done annually to Agriculture alone, not to speak of the damage done to Commerce, Trade and our Waterway Communications. Since 1921, that is, from the commencement of the Montford Reforms, investigations have been made, experiments carried out, and schemes formulated as to how best to tackle this problem, namely, the eradication of this pest. In 1924, certain chemical preparations, known as Griffiths Spray, were experimented upon, and after more than a year's labour they were found wanting. Thereafter a special Officer was deputed to carry on investigations of a different nature, and this Officer submitted a detailed report. This Report was considered, the file was noted upon, schemes were evolved, and finally in the beginning of 1927, when I was in Office, it was considered necessary to hold a Water Hyacinth Conference and to invite representative men from all sections of the House, as well as outside, in order once for all to devise means and start work. The then Collector of Faridpur, Mr. Burrows, who had spent a large amount of time and had devoted a considerable amount of labour to this question, submitted in all essentials a perfectly workable scheme which entailed the imposition of a Water Hyacinth Tax. It was therefore considered necessary to take the representatives of the people into confidence in order that they too might pronounce on the desirability or otherwise of the tax, so that eventually when the time came for the levying of the tax there might not be any opposition. The Conference was a great success and everything was made ready in order that a Bill might be introduced at the ensuing session of the Council, so that actual work towards fighting this pest might be begun from the cold weather of 1927-28, but Nemesis overtook the Ministry and the Ministry was hounded out of office in August 1927. Thereafter the scheme, which had the sanction of the people behind it, was shelved.

Similarly, the campaign against cholera, the scheme for the improvement of the cattle of this Province, and the throwing wide-open of the doors of the agricultural profession to the sons of the "Bhadra logs," the spreading of medical education by establishing medical schools and colleges in our district headquarters, and various other schemes initiated during my Ministry have been equally shelved. It will, therefore, I trust, be realised how essential it is in the interest not only of the efficiency of the departments, but also in the interest of the well-being of our country and our unfortunate countrymen that provision must be made for a continuity of policy, so that schemes prepared by a Minister or a Ministry may be carried on. It is true that the permanent Departments ensure a certain amount of continuity, but this is not enough.

*Adverse Vote.* It has been already stated in the Preamble that no efficient government is at all possible where the Executive is liable to removal every now and again, as has been the case in Bengal, where Ministers have been hounded out of office for no reason of policy or on no public grounds, but merely owing to personal jealousies and other causes outside the sphere of Constitutional Government. The Executive, that is the Cabinet, should always be able to count on the probability of remaining in office for some appreciable time; and although in my scheme as detailed herein I have advocated that the Cabinet should be responsible to the Council, it should not be made possible for the overthrow of the Cabinet on any flimsy ground, or on any snap vote, or by methods that have been in vogue here during these years. The adverse vote entailing the resignation of the Cabinet should also ordinarily entail the dissolution of the Council, followed by a General Election, unless there are very strong grounds to the contrary. It may also be laid down that the Executive shall be removable by a vote of no-confidence provided that such a motion is carried by two-thirds of the total strength of the Legislature.

*The Provincial Government and desirability of a Second Chamber.* The Provincial Legislature will be bi-cameral, consisting of:—

- (a) The Provincial Senate.
- (b) The Legislative Council.

*Provincial Senate.* The Indian Provinces forming the sub-continent of India are inhabited by heterogeneous races, peoples and communities with different traditions and culture. These various sections of the people differ from each other not only educationally, socially and economically, but in a hundred other ways. A long time must therefore, elapse before they could be moulded into a common nationhood or before their diverse interests could be reduced to one and the same level.

The Provincial Legislative Council, when further popularised, will be more or less ruled by the majority, and the result will be more than likely that irresponsible legislation may often be enacted which will encroach upon the rights of the minorities. This in its turn is likely to further augment communal strife. A situation of this kind can be controlled, if almost unlimited powers be assigned to the Governor for the purpose of vetoing or withholding his consent from any legislation or administrative measure which he has reason to believe to be contrary to the interests of the population as a whole. But by vesting in the Governor such extensive powers the relation between him and the popular Council will always be strained, which is highly undesirable. Therefore, as a check on the popular Council, the creation of a Second Chamber, i.e., a Provincial Senate, seems perfectly essential. Even in the highly advanced countries of Europe it has been found necessary to establish an Upper House as a safeguard against occasional irresponsible legislation in the Lower House. Much more will it, therefore, be necessary to provide for a check of a similar kind in our Provinces, which are politically so much behind other countries in the West. I, therefore, strongly recommend the creation of a Second Chamber which will be composed of representative men of outstanding merit, proportionately gathered from all communities. They will be drawn from the classes who have large stakes in the country, who are leaders of thought or who have had experience in administration as high officials, and generally from the clear-headed conservative element in the country who really count.

The Provincial Senate of Bengal will, therefore, consist of:—

- (i) 20 Nominated Members.
- (ii) 40 Elected Members.

The term of the Senate will be ten years.

The Governor will make the nominations as far as possible from men of outstanding merit and com-

petence amongst the titled or the landed gentry, as well as ex-Ministers of Government and retired high officials, keeping in view as far as possible the proportionate representation of all communities.

The elected members will be elected six from each of the five divisions and ten from (c) and (d) below. The constituencies to consist of:—

- (a) Moslems.
- (b) Non-Moslems.
- (c) Landholders.
- (d) Europeans.

Both the Legislative Council and the Provincial Senate shall have collateral powers. Any Bill may be introduced in either of the Houses, but will not be passed into an Act unless passed by both the Houses and until it has received the assent of the Governor. It will be competent to introduce any Bill at a joint-session of both the Houses.

*Qualifications of a Minister.* In the appointment of Members of the existing Executive Councils and of Ministers, experience ranging over a large number of years has shown that sufficient discrimination has not been exercised. It appears that proper care has not always been taken in selecting the personnel of the existing Executive Councils as well as of the different Ministries. The composition of the Executive Councils has been heterogeneous and the same may be said of the Ministers under Dyarchy. The Governor is supposed to select those who are fairly well-educated and who may be expected to enjoy the confidence not only of their fellow-Legislators, but also of the public generally, and who possess a fair measure of ability and also a reputation for character. In some cases, I regret to say, no such consideration has prevailed.

I shall first take the case of the Civilian Executive Councillors, the appointment of whom has here and there been open to grave objection. The objection was, that admitting that higher appointments need not necessarily go by seniority, civilians believed to be of liberal and progressive views, or who have not had the advantage of belonging to a special coterie inside the official hierarchy, have often been passed over in favour of men known to be diehards or reactionaries or even of mediocre attainments.

In the report on Indian Constitutional Reforms, under the *ægis* of Mr. Montagu and Lord Chelmsford, it will be found stated:—"We are aware that in the past the nominations made to the Executives have not always given satisfaction. There has been a disposition to regard the men appointed as chosen because they are 'safe' and not likely to give the Government trouble, and if the Legislature and Executive are to work smoothly together it is, we agree, necessary to make appointments which command confidence and ensure efficiency and ability." Further, it is also stated:—"In making the nominations the Governor should be free to take into consideration the names of persons who had won distinction, whether in the Legislative Council or in other fields." From this it can leave no doubt that Members of the Cabinet should be chosen from men who, to quote the memorable words of the late Queen Empress Victoria's proclamation of 1858, "by their integrity, ability and character may be qualified to discharge their duties successfully as occupants of the exalted offices to which they are called." Failure in this respect has brought home the conviction amongst the Indian intelligentsia that appointments made particularly of Indians, either in the Executive Councils or the Ministries, have not unoften been made in contravention of this test. Cases can be quoted of men who have been appointed as Executive Councillors or Ministers simply because they were believed to be "safe" rather than qualified. The appointment of such persons has, naturally, brought into lurid light the working of Dyarchy to a much larger extent than would otherwise have been the case.

Even when making the appointment of a clerk in any private office the question of his ability and

character is taken into consideration. It seems short of a tragedy that, when making appointments to the highest offices under the Crown, such consideration should occasionally be left out of account. I am, therefore, impelled to make the suggestion that some sort of provision should be made whereby when making appointment to the highest offices in the land, questions of the suitability of the candidate as to his integrity, ability and character should be taken into consideration besides other factors.

*Qualifications of a Member of Legislature.* The above remarks apply also to those who aspire to be Members of the Legislatures, perhaps, though, not to such an extent. The minimum of qualifications of candidates who stand for election to the various Legislatures should also be determined. As the rules are at present, it is provided that a person who is a minor, or insane, or who has served a criminal sentence on account of his moral turpitude, etc., would not be eligible to stand as a candidate for election; but nowhere is it laid down what his positive qualifications should be by way of ability, integrity and character. The result of this omission has been that in many cases men, who outside the Council would not be allowed to cross the threshold of an honest person, have got into the Council and have secured access to social intercourse with those who would otherwise have shunned them. Here is a case in point. Mouvi Mahammad Sadique, an inhabitant of the Noakhali District, had, as Chairman or Vice-Chairman of a local Board, embezzled some public funds. He stood for election to the Council and was returned. Thereafter the case came to a head. There was a conviction in the Criminal Court, which was upheld by the High Court, and he served the sentence of eight months with hard labour on three consecutive months. His seat thereafter was declared vacant, but simply because he was absent from the Council for two consecutive months.

It will, therefore, be seen that some provision by way of determination of minimum qualifications of candidates for election to the Legislatures should be provided for.

### THE GROWTH OF PARTISANSHIP.

Since the inauguration of the Reforms, the Swaraj party, created by the late Mr. C. R. Das, has come into existence.

The Congress organisation was known in India in the eighties and the nineties as a Liberal party in its aim and with Nationalistic aspirations endeavouring to obtain concessions from the British people and Parliament in order to liberalise the Indian Constitution. Such men as Mr. Gopal Krishna Gokhale, Sir Ferozeshah Khan, Sir Surendranath Banerjee, Sir Badaruddin Tyabji and others. They in a manner dominated the councils of the Congress and were the mainstay of India's Constitutional progress. They continued to remain within the four corners of the British Empire, and under the basic idea that India should be a part of the British Commonwealth. Then the younger generations gradually lifted their heads, and under the leadership of Mr. Bal Gangadhar Tilak the Congress was split into two wings known as Extremist and Liberal or Moderate. Within a short time the Congress wing usurped all power and the Congress remained for a time seceded from the Liberal wing. Thereafter there was a re-union, the Congress remained generally under the leadership of Mr. C. R. Das, and was once more destined to take a more vigorous political career, took solely to politics, and more vigorous political leading lights. The Congress, under the leadership of Mr. Gandhi, who inaugurated his famous non-co-operation movement, which entirely dominated the Congress and captured all its executive functions. Under Mr. Gandhi's banner there foregathered various discontented and disappointed individuals such as the Ali Brothers, who became his staunch henchmen and started a vigorous propaganda in order to win themselves out of the Congress fold. The stars were propitious at that particular juncture. Turkey went against the Allies, and the Moslem lieutenants of Mr. Gandhi seized the opportunity of misleading the Moslems by the cry that religion and the Khelafat were in danger. Thus the Ali Brothers started another wing of the "Khelafatist." During the first reformed Council of 1921-23, the non-co-operation movement at one time seemed to dominate the entire political situation, and with the boycott of the Council very few Congress Hindus came in. Those that came formed the opposition and their policy was merely anti-Government. Politically-minded Moslems, too, out of fear of the Khelafatists shunned the Councils and mostly mediocre men amongst them were returned. These had no programme of their own nor they found it necessary to form into parties. On one occasion, however, during the introduction of the Calcutta Municipal Corporation Bill when the Hindus objected to the facilities under the Bill as introduced by Sir Surendranath Banerjee, two sharply-defined parties came into existence in the Bengal Council, but that was entirely on the communal basis and their party activities ceased after the passing of the Bill. Soon after, Mr. C. R. Das conceived the plan of non-co-operating within the Council, i.e., of entering the Council with the avowed intention of obstructing the entire machinery of Government from within. With this object he added a rider to the non-co-operation cult and along with other provincial leaders such as Pandit Motilal Nehru and others seceded from Mr. Gandhi and established the Swarajya Party. This came into being after the general election of 1923. Mr. C. R. Das himself led the movement in Bengal and left it to the Pandits to do likewise in the Central and other provincial Legislatures. In the second Reformed Council, therefore, of 1924, Mr. C. R. Das came in with a following of some fifty members of whom about half were Moslems. He drew to his side the major portion of the Moslem element in the Council with the help of his famous Bengal Deshbandhu Pact which purported to give to the Moslems 80 per cent. of State patronage and assured them their special religious pursuits including "No Music before Mosque." His avowed object was to hinder the working of the Reforms by means fair or foul. This policy, unfortunately, gave a fillip to undesirable practices in the Council, as has already been noticed. Of the total of 39 Moslem members of the Council, 23 or 24 being Swarajists, together with 10 or 12 non-Swarajist Moslems, the Ministerial Party in January, 1924, when myself and Messrs. Fuzul Haq and S. N. Mullick were appointed Ministers. A short while after, the Hindu Minister had to resign as he lost his seat owing to the dispute that was pending over his election which entailed a fresh election, when he was not returned. There remained thereafter only two Moslem Ministers. In the propaganda against the Ministry, though the Swarajist Party did not admit it, yet they took advantage of the communal bias engendered by the presence of only Moslem Ministers. It was openly said in certain quarters that owing to the presence of three Moslems in the Government, Bengal was practically under Muhammadan domination. Hence, the closing up of ranks and resolute determination to wreck the Moslem Ministry were demonstrated by some of the Hindu members of the Council. But

even from this demonstration the majority of Muhammadan members failed to grasp the necessary object lesson, and this Ministry was finally wrecked in August, 1924. In March, 1925, another Ministry consisting of Nawab Bahadur Syed Nawabali Choudhury and Raja M. N. Ray Choudhury was formed, but it only lasted for nine or ten days. Thereafter the Transferred Subjects were retransferred to the Reserved side and Dyarchy remained dead in Bengal till January, 1927. Thus, with the exception of the Swarajya Party the Hindu Liberals and the Moslems remained as disorganised as ever.

*Central Moslem Council Party.* During the general election at the end of 1926, the Central National Muhammadan Association first conceived the idea of organising a Central Moslem Council Party, and with this object they set up a large number of candidates for contesting the elections. As a result they managed to capture some nineteen or twenty seats with the help of their organisation and party funds. Overtures were made to Sir Abdur Rahim to bring about a consolidated Moslem Council Party. For reasons into which I do not desire to enter, Sir Abdur Rahim stood apart, and some eight or nine Moslems were returned under his banner. Of the remaining ten or eleven Moslem members, one came as a Swarajist and the rest without any party label. After the election was over, in December, 1926, a fresh attempt was made to bring together all the Moslem members into one party, but owing to personal animosities and jealousies among the leaders this failed. Thus during the beginning of the present Council, in January, 1927, there existed:—

- (a) the well-organised Swarajya Party, led by Mr. J. M. Sen Gupta, consisting of some 44 members, of whom only one was a Moslem.
- (b) the Central Moslem Council Party, led by me, consisting of 24 Moslems,
- (c) Sir Abdur Rahim's party, consisting of 8 or 9 members,
- (d) 6 or 7 individual no-party Moslems,
- (e) 12 or 13 disorganised so-called Hindu Liberals or Moderates.

The action of Lord Lytton in appointing Sir Abdur Rahim as Minister and asking him to resign after four days owing to his failure in finding a Hindu colleague was the root cause of creating further jealousies and personal animosities, and when another ministry was formed with myself and Mr. Chakravarty, Sir Abdur Rahim with his following joined the Swarajists and that ministry was also wrecked.

With the exception of the Swarajya Party, this led to a complete disruption of all other Indian groups in the Council.

*The Union Party.* Immediately after this catastrophe it was felt extremely essential that a party should be formed of both Hindus and Moslems, not only to promote communal concord, but primarily to purge the public life of Bengal of undesirable practices and to raise its tone. With that object Hindu and Moslem Landholders and men who were considered above board grouped together and formed into what is known as the Union Party, with Sir P. C. Mitter and myself as Patrons.

*The Non-Official European Group.* Besides the above parties there has always been a compact non-official European and Anglo-Indian group. This bloc has almost always voted with the Government and has seldom exercised any discrimination.

Thus it will be seen that we are still infants in the art of party Government and political organisation.

#### SAFEGUARDS.

I have already stated that the Moslems of India are equally, if not more than other communities, interested in the general question of the extension of the Reforms, but they emphatically press that provision should be made by Statute for certain

essential safeguards, without which they are not only opposed to any extension of the Reforms, but even to the continuance of what Reforms there are already. In all the Memoranda submitted by the various Moslem Associations throughout India a case has been made out in great detail for the following items, and I need only enumerate them here without entering into detail. These are classed below under heading "I." As regards those which concern conditions prevailing in Bengal, I have to enlarge upon them to some extent and they have been treated under heading "II."

#### I.

- (1) *Separate electorates* in all the Provincial Legislatures according to the Congress-Moslem League Pact of 1916, where Moslems are in a minority but, in Bengal and Punjab, on the basis of population.
- (2) *Separate communal electorates* for the Central Legislatures, as well as on all self-governing bodies in the country.
- (3) Representation by statutory provision of a due proportion of Moslems in the Cabinets. In the case of Bengal I have recommended a Cabinet consisting of seven Ministers, who will be selected from the important communities according to their representation in the Council.
- (4) *Moslem representation in the Assembly or the Council of State* to be 33 per cent of all elected Indian seats.
- (5) *Proportionate State Aid* for the furtherance of educational progress amongst the Moslems and where possible preferential treatment, having regard to the backwardness of education amongst them.
- (6) Adequate representation on Universities and all local self-governing bodies.
- (7) In the interests of all communities, Hindu or Moslem, provision should be made that no resolution should be proceeded with in the different Legislatures or in any of the different self-governing bodies affecting the religious, social or educational interest of any community whatsoever, if the same be opposed by at least two-thirds of the members of that community on those bodies.
- (8) Commissions in the Army and Navy should be allotted in proportion to the strength of the respective communities, and arrangements for their military and naval training be duly made.
- (9) *Indianisation* should not be proceeded with to the detriment of any particular community, but should be carried out gradually with due regard to the communal proportion and by securing the widest possible confidence in the administration and preventing a communal or class monopoly.
- (10) The Reforms should be extended to the North-West Frontier Province.
- (11) Sind should be raised to the status of a Province under the Reforms.

#### II.

*Representation of different communities in all the Public Services should be in accordance with the proportion which a community bears to the population of the Province. The average representation of Moslems throughout India should not be less than one-third.*

The Mussulman case in Bengal is based not on the dicta of any Moslem but on the findings of that great statistician, Sir William Hunter, of the Indian Civil Service. Before one can realise fully their claim to a just and legitimate share of State patronage by virtue of their preponderance in population, and their historic position, it is necessary to take an economic survey of their condition during the last

eighty or ninety years. For this I can do no better than quote from Sir William Hunter's "Indian Mussulman." Writing in 1871 this was what Sir William said: "The English obtained Bengal simply as the Chief Revenue Officer of the Delhi Emperor . . ." Our legal title was simply that of the Emperor's Dewan or Chief Revenue Officer. As such the Mussulmans hold that we were bound to carry out the Muhammadan system which we then undertook to administer. There can be little doubt, I think, that both parties to the Treaty at the time understood this. For some years the English maintained the Muhammadan Officers in their posts, and when they began to venture upon reforms, they did so with a caution bordering upon timidity. The greatest blow which we dealt to the old system was in one sense an underhanded one, for neither the English nor the Muhammadans foresaw its effects. This was the series of changes introduced by Lord Cornwallis and John Shore, ending in the Permanent Settlement of 1793. By it we usurped the functions of those higher Mussulman Officers who had formerly subsisted between the actual Collector and the Government, and whose dragons were the recognised machinery for enforcing the Land-Tax. Instead of the Mussulman Revenue-farmers with their troopers and spearmen, we placed an English Collector in each District, with an unarmed fiscal police attached like common bailiffs to his Court. The Muhammadan nobility either lost their former connection with the Land-Tax or became mere landholders, with an inelastic title to a part of the profits of the soil.

"The Permanent Settlement, however, consummated rather than introduced this change. It was in another respect that it most seriously damaged the position of the great Muhammadan Houses. The officer who has studied the Permanent Settlement most minutely writes thus:—It elevated the Hindu Collectors, who up to that time had held but unimportant posts, to the position of landholders, gave them a proprietary right in the soil, and allowed them to accumulate wealth which would have gone to the Mussulmans under their own Rule.

"This, then, is the first public wrong on which the Muhammadan aristocracy arraign the British Government. They assert that we obtained the Administration of Bengal from a Mussulman Emperor on the understanding that we would carry out the Mussulman system, and that as soon as we found ourselves strong enough we broke through this engagement. We shut the Mussulman aristocracy out of the Army, because we believed that their exclusion was necessary to our own safety. We deprived them of the monopoly of the most lucrative functions in the Administration, because their deprivation was essential to the welfare and just government of the people. But these grounds, however good in themselves, fail to convince an ancient nobility suffering under the blight of British Rule. Their exclusion from the Army seems to the Mussulmans a great public wrong; our departure from their ancient fiscal system, an absolute breach of faith.

"The third source of their greatness was their monopoly of Judicial, Political, or in brief, Civil Employ. It would be unfair to lay much stress on the circumstance, but it is nevertheless a significant fact, that none of the native gentlemen who have won their way into the Covenanted Civil Service, or up to the bench of the High Court, are Mussulmans. But for some time after the country passed under our care, the Mussulmans retained all the functions of Government in their own hands. Mussulman Collectors, as we have seen, gathered the Land-Tax; Mussulman Faujdars and Ghatwals officered the Police. A great Mussulman Department, with its headquarters in the Nizam's palace at Murshidabad, and a network of officials spreading over every District in the Province, administered the Criminal Law.

"For the first fifty years of the Company's Rule the Mussulmans had the lion's share of State patronage. During its second half century of power

the tide turned, at first slowly, but with a constantly accelerating pace, as the imperative duty of conducting public business in the vernacular of the people, and not in the foreign patois of its former Muhammadan conquerors, became recognised. Then the Hindus poured into, and have since completely filled, every grade of official life. Even in the District Collectorates, where it is still possible to give appointments in the old-fashioned friendly way, there are very few young Mussulman officials. The Muhammadans who yet remain in them are white-bearded men, and have no successors. Even ten years ago, the Mussulmans invariably managed to transmit the post of Nazir, or Chief of the Revenue Bailiffs, to men of their own creed; but now one or two unpopular appointments about the jail are the most the former masters of India can hope for. The staff of clerks attached to the various offices, the responsible posts in the Courts, and even the higher offices in the Police, are now recruited from the pushing Hindu youth of the Government School. The net result has been that the Mussulman element in the Public Services has gone on growing weaker every year.

"This statement the following statistics will prove. In the highest grade in which the appointments dated from a previous generation, the Muhammadans did not have much to complain of, as in April, 1869, there was one Mussulman to two Hindus: there is now but one Mussulman to three Hindus. In the second grade there were then two Muhammadans to nine Hindus; there is now one Mussulman to ten Hindus. In the third grade there were then four Mussulmans to a total of twenty-seven Hindus and Englishmen; there are now three Mussulmans to a total of twenty-four Hindus and Englishmen. Passing down to the lower ranks, there were in 1869 four Mussulmans among a total of thirty of all creeds; there are now four among a total of thirty-nine. Among the probationers from whom the service is recruited, there were only two Mussulmans in a total of twenty-eight; there is now not a single Muhammadan in this rank.

"It is, however, in the less conspicuous Departments, in which the distribution of patronage is less keenly watched by the political parties in Bengal, that we may read the fate of the Mussulmans. In 1869 these Departments were filled thus:—In the three grades of Assistant Government Engineers there were fourteen Hindus and not one Mussulman; among the apprentices there were four Hindus and two Englishmen, and not one Mussulman. Among the sub-Engineers and Supervisors of the Public Works Department there were twenty-four Hindus to one Mussulman; among the Overseers, two Mussulmans to sixty-three Hindus. In the offices of Account there were fifty names of Hindus, and not one Mussulman; and in the Upper Subordinate Department there were twenty-two Hindus, and again not one Mussulman.

"But it is unnecessary to multiply instances of a fact that is patent in every page of the Civil List. I have made up a table of the gazetted appointments for which Englishmen, Muhammadans and Hindus are alike eligible:—

*Distribution of State Patronage in Bengal,  
April, 1871.*

	Euro- peans	Hindus	Mussul- mans	Total
Covenanted Civil Service (appointed in England by the Crown) . . . . .	260	0	0	260
Judicial Officers in the Non-Regulation Districts . . . . .	47	0	0	47
Extra Assistant Commis- sioners . . . . .	26	7	0	33
Deputy-Magistrates and Deputy-Collectors . . . . .	53	113	30	196
Income-Tax Assessors . . . . .	11	43	6	60
Registration Department . . . . .	33	25	2	60
Judges of Small Cause Court and Subordinate Judges . . . . .	14	25	8	47

	Euro- peans.	Hindus.	Mussul- mans.	Total.
Munsifs .. .. .	1	178	37	216
Police Department, Gazetted Officers of all grades ..	106	3	0	109
Public Works Department, Engineer Establishment ..	154	19	0	173
Public Works Department, Subordinate Establish- ment .. .. .	72	125	4	201
Public Works Department, Account Establishment ..	22	54	0	76
Medical Department, Officers attached to Medical College, Jails, Charitable Dispensaries, Sanitation and Vaccination Establish- ments, and Medical Officers in charge of Districts, etc.	89	65	4	158
Department of Public In- struction .. .. .	38	14	1	53
Other Departments, such as Customs, Marine, Survey, Opium, etc. .. ..	412	10	0	422
Total .. .. .	1338	681	92	2111

"A hundred years ago, the Mussulmans monopolised all the important offices of State. The Hindus accepted with thanks such crumbs as their former conquerors dropped from their table, and the English were represented by a few factors and clerks. The proportion of Muhammadans to Hindus, as shown above, is now less than one-seventh. The proportion of Hindus to Europeans is more than one-half; the proportion of Mussulmans to Europeans is less than one-fourteenth. The proportion of the race which a century ago had the monopoly of Government, has now fallen to less than one twenty-third of the whole administrative body. This, too, is the gazetted appointments, where the distribution of patronage is closely watched. In the less conspicuous office establishments in the Presidency Town, the exclusion of Mussulmans is even more complete. In one extensive Department the other day it was discovered that there was not a single employee who could read the Mussulman dialect; and, in fact, there is now scarcely a Government office in Calcutta in which a Muhammadan can hope for any post above the rank of porter, messenger, filler of inkpots, and mender of pens.

"From the highest official to the lowest there was now a firm conviction that we have failed in our duty to the Muhammadan subjects of the Queen. A great section of the Indian population, some thirty million in number, finds itself decaying under British rule. They who but yesterday were the conquerors and governors of the land, can find no subsistence in it to-day. Before the country passed under our rule the Mussulmans professed the same faith, ate the same food and in all essentials led the same life as they do now. To this day they exhibit at intervals their old intense feeling of nationality and capability of warlike enterprise; but in all other respects they are a race ruined under British rule. It is not that they have ceased to retain the entire State patronage, but that they are gradually being excluded from it altogether. It is not that they must now take an equal chance with the Hindus in the race of life, but that, at least in Bengal, they have ceased to have a chance at all.

"The administration of the Imperial Taxes was the first great source of income in Bengal and the Mussulman aristocracy monopolised it. The Police was another great source of income and the Police was officered by Muhammadans. The Courts of Law were a third great source of income, and the Mussulman monopolised them. Above all, there was the Army, a great confederation of conquerors who enrolled their peasantry into troops and drew pay from the State for them as soldiers. A hundred and seventy years ago it was almost impossible for a well-born Mussulman in Bengal to become poor.

At present it is almost impossible for him to continue rich.

"For some time after the country passed under our care, the Mussulmans retained all the functions of Government in their own hands. Then the Hindus poured into, and have since completely filled, every grade of official life. The truth is that when the country passed under our rule the Mussulmans were the superior race, and superior not only in stoutness of heart and strength of arm, but in power of political organisation and the science of practical Government. Yet the Muhammadans are now shut out equally from Government employ and from the higher occupation of non-official life. Before the country passed to us they were not only the political, but the intellectual power of India. They possessed a system of education, which, however inferior to that which we have established, was yet by no means to be despised and was capable of affording a high degree of intellectual training and polish, and which was infinitely superior to any system of education then existing in India.

"At an outlay of £800,000 upon Resumption proceedings, additional revenue of £300,000 a year was permanently gained by the State. A large part of this sum was derived from the lands held rent free by the Mussulmans or by Mussulman foundations. Hundreds of ancient families were ruined, and the educational system of the Mussulmans, which was almost entirely maintained by rent free grants, received its death blow. The justice of these proceedings may, however, be defended, but the absolute misappropriation of scholastic funds cannot. It is painful to dwell on this charge of misappropriation, because it is impossible to rebut it.

"The astute Hindu in this as in all other matters has been first in the field. He has covered the country with schools admirably adapted to the wants of his own community, but wholly unsuited to the requirements of the Muhammadans."

Such is the picture of Moslem decadence in Bengal as drawn by Sir William Hunter in 1871. I shall now quote from a speech that I delivered on the 13th June, 1926, when I presided over a gathering of more than 100,000 persons.

"Such has been the treatment meted out to the Moslems for generations together till the advent of one of the greatest of Viceroys, viz., Lord Curzon, who had the fairness and far-sightedness to see that some reparation was long overdue to them. It was thus with the Partition of Bengal, the province of Eastern Bengal and Assam came into being and was declared a settled fact under a pledge given to Moslems. But, alas! the settled fact was once more doomed to be unsettled, and the promise given was once more broken. And it broke too the stout heart of that great man, the late lamented Nawab Sir Salimullah Bahadur of Dacca, who was at once a tower of strength to the Government and a tower of strength to his people. The impetus, which the Moslem Community received at that epoch towards advancement and progress, received a rude set-back, and clouds again darkened the Moslem horizon. Soon after, there came the Great War and in its wake followed the non-co-operation movement started by Mr. Gandhi. After the previous repeated disappointments, Moslems in their thousands succumbed to its allurements, hoping that, by joining its ranks and throwing their political lot with the Hindus, they would be able to retrieve their past fortunes, but, alas, only to meet with further disappointment."

There can be no growth of nationhood, or for the matter of that real self-government in Bengal or in India unless the all-important factor, namely, real Hindu-Moslem Unity is present, but it is no use attempting to bring about Hindu-Moslem Unity without removing the root causes that underlie the strained relations between the two communities. For want of removal of these causes, jealousy and hatred seem to permeate through all the sub-strata of the lives of the two communities.

In the administration of the country we find a spirit of complete isolation pervading the members of both the communities in respect of one another. In an office filled by Hindus there is seldom a vacancy for a Moslem unless the head of the department happens to be a European or an absolutely unbiassed Hindu officer. In a School Library controlled by a Hindu Headmaster there is hardly a book by a Moslem author which can get access there. This is the state of Hindu-Moslem feeling in the country, which is aggravated by the manner in which all Government patronage is enjoyed by one community as compared with the other.

*Distribution of State Patronage in Bengal in 1923-1924.* I have already quoted Sir William Hunter to show what the distribution of State patronage in Bengal was in 1871. I shall now give figures to show what it is in recent times. The figures below are taken from the statistics of 1923-24.

In the executive branch of the Provincial Service there are 75 per cent. Hindus and 4 per cent. Muhammadans, in the Excise Department 69 per cent. Hindus and 31 per cent. Muhammadans, in the Education Department 80 per cent. Hindus and 20 per cent. Muhammadans, in the Agricultural Department 95 per cent. Hindus and 5 per cent. Muhammadans, in the Medical Department 97½ per cent. Hindus and 2½ per cent. Muhammadans, in the Public Works Department out of a total of 41 Indian appointments there is only one Muhammadan, in the Forest, Marine, and Irrigation Departments, leaving out the non-Indian appointments there are 100 per cent. Hindus to 0 per cent. Muhammadans.

During the regime of Lord Carmichael, in 1913, Government laid down that 33 per cent. of appointments in the Public Services should go to Moslems. A decade afterwards it was found that not only was that percentage not reached but that in some departments the Moslem element was conspicuous by its absence altogether, and in other Departments the percentage reached was nowhere like the 33 per cent. contemplated and laid down in the Provincial Government Rules.

The question, therefore, in all its bearings, was reconsidered during the regime of Lord Lytton towards the end of 1925 and two formulæ were then laid down and accepted by the Government as a whole. They were:—

(a) *Proportion of Moslems in the Public Services not necessarily in accordance with but on the basis of population.* "That it is the duty of the Government to take measures to ensure that there shall be in the future a sufficient proportion of Muhammadans in certain of the higher services to ensure that the general interests of the community shall not suffer and that the activities of Government as a whole shall be for the benefit of the whole population; that this proportion shall be fixed, not necessarily in accordance with, but on the basis of population; that with regard to the subordinate appointments a sufficient share is allotted to the Muhammadans to encourage the education of that community and to prevent the monopoly of public employment by any one class or community."

(b) "That in the case of promotions within a service or from one service to another there can be no question of communal interests and promotions must be based on merit alone or on merit combined with seniority as the case may be."

It was also further laid down that "each department must be consulted as regards the percentage they will take as a working guide to carry out Government's policy. The Government of India must be addressed. We should tell them the general lines of the policy we propose to adopt and point out that it is essential for this policy that a larger number of Muhammadans should be obtained among the Indian portion of the recruitment for the Indian Civil Service. We may say the present rules do not seem to make this possible and should make suggestions as to how the rules should be altered. We

should definitely take up the question of amending the Civil Courts Act so as to place the recruitment for *munsifs* in the hands of the Government. The High Court, of course, will strongly resent this, and we should have to address them in the first instance when we have framed a suitable amendment."

Commenting on the above an Indian member of the Government at the time noted as follows:—

"Taking into account the probable results of the competitive examination in England, even if 50 per cent. of the direct appointments in Bengal recruited for in India be filled by Muhammadans, the Hindus will still preponderate in the Indian Civil Service. And if in the Provincial and the Subordinate Civil Services the proportion of Muhammadans be reserved at less than 50 per cent. chances are that a smaller proportion of them will get into the Indian Civil Service by promotion and their total strength in the Indian Civil Service will be still less. On this as well as on general administrative grounds, I urge that so far as the Provincial and Subordinate Civil Services are concerned, the proportion as in the case of the Indian Civil Service should be 50 per cent. and not 45 per cent. as Chief Secretary proposes. Chief Secretary contends that the holding back of 5 per cent. of the appointments in these as well as in the other administrative services will serve to stimulate education in the community. Theoretically, there may be some force in his contention, but knowing as I do the history and the present conditions of my community, I feel sure that the more of these appointments are placed within their reach the greater will necessarily be the competition among the students of the community leading to a more rapid spread of education and enhancement of educational standard in the community. We had an absolutely unmistakable demonstration of this during the short-lived administration of Eastern Bengal. These considerations apply equally to the Imperial and Provincial Police, Excise, and other similar services." Finally, the following order was passed:—

- "1. That both formulæ be adopted.
- "2. That all departments be ordered simultaneously to examine the conditions of recruitment to the higher services under them, and adopt a percentage as an immediate guide in the working of the recruitment. This percentage can, of course, be altered from time to time within the limits of the formulæ.
- "3. That the appointment department prepare an answer to the Government of India's last letter on the subject of the Indian Civil Service and Indian Police making proposals on the basis of the formulæ.
- "4. That the judicial department prepare an amendment of the Civil Courts Act, which, under the rules, must be submitted to the Executive Council before any further action is taken on it. If desired, a draft to the High Court might be prepared for the information of the Executive Council at the same time as the amendment.
- "5. That the appointment department circularise Commissioners and Heads of departments insisting on the minimum of one-third in ministerial offices and giving the reasons; where there is a sufficiency of really suitable Muhammadan candidates the proportion should be increased to comply with formulæ 1."

It will thus be seen that Government have realised though tardily, the necessity for a full and complete revision as to how State patronage should be divided between the two communities. But to my mind they have not done what would be regarded as full justice to the claims of the Moslems of Bengal. The simplest course seems to me to go straight ahead and lay down that State patronage in Bengal should be distributed amongst the communities in proportion to



their numerical strength, provided a minimum standard of efficiency is satisfied. In any event this question should not be left to be determined by local governments, but it is urged that this should also be embodied by statute in the Constitution. The reason is that unless the same be embodied in the constitution real effect will not be given to it. Just the same as effect has not yet been given even to the 33 per cent. rule laid down by the Government during the regime of Lord Carmichael, so the present formulæ are also likely to remain a mere pious declaration on the part of Government.

In urging this point I wish it to be clearly understood that I am not impelled by any communal considerations whatsoever. India at the present time is at the threshold of a glorious opportunity. On the one hand it is the proud privilege of the Britisher to raise India towards that height of liberal government which they themselves enjoy, on the other hand it is up to the Indians to prepare themselves to be worthy of it. This consummation can only be brought about by one fact, and one fact alone and that is by a real and permanent *entente* between the two great communities that inhabit this land. It is the Englishmen's privilege to mould the present heterogeneous mass into a homogeneous whole, in other words a common nationhood, and it is up to us to put forward our best efforts towards that consummation. The promised land of Swaraj lies on the summit of yonder hill along the steep slopes of which upward mounts a chariot drawn by two horses, one is called Hindu and the other Moslem. If of the two steeds drawing the chariot up the hill one is well-fed, well-built, strong and hardy, and the other is lean, weak and halting, however much the British charioteer may urge the horses forward the chariot will not be in a position to negotiate the climb. It is, therefore, in the interest of the well-fed horse itself that the lean and the weak horse should be given not only its due share of fodder, but, if necessary, even an excess share so that both may be able to pull together. Be it said to the credit of that far-sighted statesman, the late Mr. C. R. Das, that it was he who saw that if the Hindus ever desired to reach the promised land it was to their interest to see that they pulled the Moslems along with them. Impelled by ideas such as these the late Mr. C. R. Das advocated that even an 80 per cent. of State patronage be given to the Moslems, a proposition which found, alas! no favour with his short-sighted following. No one can condemn more than I do the excesses that are committed both by Hindus and Moslems towards one another, and I yield to none in my yearning for a day that may dawn when the members of both these communities will be so moulded together that they will realise that all their material interests under the sun are identical, but economic grievances are really at the root of these communal troubles. The present conditions had their counterpart in the days of Akbar when conditions were reversed, and it was left for that sagacious Prince, that great statesman, to throw wide open the gates of State patronage to the members of the Hindu Community, as he, too, dreamed that one day his empire may boast of a people with common interests and common aims. Alas! the hand of Fate cut short that dream, and his successors went back on his policy. Let not that mistake be repeated. I appeal to members of both communities clearly to realise the issues which are at stake. It is for the members of the British race to act as physicians and prescribe the correct dose. In revising economic relations between the two communities the shortsighted amongst both may grumble, but if it were really desired that permanent amicable relations should begin to grow up between the two communities then it is for the British element to play their part as the discerning physician.

## APPENDIX.

## USURY LAWS.

In the interest of the masses generally, protection against the bone-racking usury system which is in vogue is essentially necessary. Seventy per cent. of the entire population of Bengal belongs to the agricultural class, and this is the class which is most hit by the want of Usury Laws. In East Bengal, in some districts, the Moslem population is almost over 85 per cent. and throughout the Eastern portion of the Province the average Moslem population would not be perhaps less than 70 per cent. It would hardly be an exaggeration to say that not 1 per cent. of this population is safe from the clutches of the usurer. Even those who belong to the middle class known as *Bhadralog*, are also in their clutches.

1,300 years ago the Prophet of Islam forbade usury. In the burning words of the Holy Koran it is clearly laid down that while trade for profit was allowed, usury was condemned. As charity is the broad basis of human sympathy, usury annihilates all sympathetic affection and leads to extreme miserliness. Usury refuses to allow the rich to grow richer by reducing the poor to still greater poverty, which is the real aim of usury. Usury moreover promotes habits of idleness by its worst effects as more or less it causes men to be obsessed by selfishness.

India's poverty is proverbial, but no means adopted to effect her economic salvation would ever be complete without providing against usury. The Royal Agricultural Commission has drawn attention to various problems, including the eradication of this pest. Whatever improvement may be carried out in the domain of agriculture, whatever efforts may be expended in the direction of raising agriculture from its primeval position in this country, however much agriculture is carried on by scientific methods as in other advanced countries, no headway will ever be made unless and until this problem is dealt with effectively and radically. The rate of interest in Bengal varies from As. 2 per rupee per month, i.e. 150 per cent. to 300 per cent. per annum, and sometimes the cupidity of the usurer knows no bounds. Recently a case was reported in the papers (*vide Statesman* of 20th June, 1928), with such startling headlines as these:—

## " 26 LAKHS FOR 22 RUPEES "

And it went on "The Munsiff of Chandpur has just decided a mortgage suit brought by a money-lender against a debtor, claiming Rs26,00,700 as principal and interest due on a sum of Rs22 advanced as a loan 13 years ago. The plaintiff in the suit is Adhar Chandra Saha, of village Barkul (Hajigunj) within Chandpur, and the defendant is a man named Nazaruddin. It was alleged in the plaint that the defendant obtained a loan of Rs22 in May, 1915, executing a mortgage bond repayable with interest at 10 per cent. per mensem with compound interest every half year. In January, 1928, the interest due was Rs26,00,048. The plaintiff agreed to relinquish his claim for the interest to the extent of Rs25,99,947 and asked for a decree for Rs600 only. The parties compromised the case, and a decree for Rs431 was passed in favour of the plaintiff." Even taking the figure of Rs600 or Rs431 which was finally decreed on compromise, it unfolds a terrible tale. The law gives the Court discretion not to pass a decree on a bond beyond a certain reasonable figure, but that discretion, it is to be regretted, is seldom exercised.

Generally speaking, 10, 20 and often 50 times the principal are decreed. If by the extension of the Reforms, it is also desired to look to the material well-being of the teeming millions of the population of this Province, then I must say, with all the emphasis at my command, that this subject too should be included in the scope of the Enquiry and necessary provision made. I realise that it is the primary business of the members of the Legislatures, Central or Provincial, to engage themselves in this



task, but having regard to the precarious condition of the masses prevailing for generation after generation, since the British occupation of this country, I cannot help thinking that if the British connection is to be in the interest of the masses, and if initiative is taken in many questions by other than the people themselves, the initiative in this matter, too, should be taken by the members of the Statutory Commission who are enquiring into questions affecting our Constitution. I must further point out that this question also affects our Constitution in this sense, viz., that the money-lending class, by its hold on the debtors, can influence freedom of voting, and it has done so in some instances most effectively.

#### HOLIDAYS UNDER THE NEGOTIABLE INSTRUMENTS ACT.

Public Holidays are of two kinds :—Those that are declared as such under the provision of Section 26 of the Indian Negotiable Instruments Act of 1881, and those which, in addition to the above, are gazetted as Government Holidays. During the former, not only Government offices, but Banks, Mercantile firms, Mills, Factories, Docks, and in short all places of public business are closed, whereas during the latter Government offices alone are closed.

It was a notable fact that before 1913 there was not a single Moslem day of religious festivals declared as a Public Holiday under the Negotiable Instruments Act in Bengal, whereas 16 days were declared as such for Hindu festivals, and some more days were so declared on account of Christian festivals. At that time in the Punjab, the United Provinces and Bombay, the Hindu Community had 8, 12 and 9 of such holidays respectively, and the Moslems there had from 6 to 7. This was naturally considered a great hardship for the Bengal Moslems, particularly having regard to the preponderance of their population. As in all things, the Bengal Moslems were gradually losing ground, such was their lot in this case, too. It was, however, my privilege to move a resolution in the old Imperial Legislative Council in 1913, as a result of which three days, viz. the 2 *Ids* and the *Mohurram*, were declared holidays under the Negotiable Instruments Act. The disparity, however, is still so very great that it calls for urgent readjustment. The Bengal Moslems, therefore, urge that this disparity should be reasonably modified.

The Moslem religious festivals of the 2 *Ids* are reckoned not only according to the Moslem Lunar Calendar, but they depend on the fact whether the moon on the particular occasions is visible or not. As these public holidays are declared at the commencement of the year, it often transpires that the festivals of the 2 *Ids* actually take place on the days following the 2 days that are gazetted as Public Holidays under the Act. Thus the fact of declaring only 1 day for each of the 2 *Ids* as holiday under the Act has not sufficiently relieved the Moslem public of the hardships that they have to undergo while having dealings with Banks, Mercantile firms, Mills, Factories or Docks. It is, therefore, reasonable to demand that 4 days instead of 2 should be declared as Public Holidays under the Act on the occasion of the 2 *Ids*.

The *Bar-i-wafat*, or as it is called the *Fatiha-duz-dahan*, is also a sacred day to the Moslems. It is the day when the Great Prophet of Arabia was born, and owing to a curious coincidence it is also the day when he departed this mortal life. This falls on the 12th of Rabi-ul-Awal of the Moslem Lunar month. Hence the Bengal Moslems claim that this day should also be declared a Public Holiday. They also claim that amongst the days that are gazetted as Government Holidays, some of their days of religious festivals, notably during the *Ramzan*, may be gazetted as Government Holidays.

#### NO-CONFIDENCE MOTION.

##### *Fall Text of Mr. Ghuznavi's Speech.*

"The following is the full text of the speech delivered by Hadji Mr. A. K. Ghuznavi in reply to the vote of no-confidence at the meeting of the Bengal Council on the 25th of August, 1927 :—

It is only a short while ago that I had an occasion to say elsewhere that artificial clouds were beginning to gather on the political horizon of Bengal, and that a fresh attempt would again be made to stop the work of the Reforms and to arrest its further progress in Bengal. My predictions have come true. I would say at once that this vote of no-confidence is merely a manœuvring, a sordid political move—in order to gain cheap notoriety and to secure the halo of victory on the part of some, and to satisfy personal grudge and private spite on the part of others. But, sir, I ask, have they ever paused to consider what the effect of their favourite pastime is likely to be on the future of this province? Have they ever paused to consider that at the expense of satisfying a personal grudge and securing the applause of the gallery they are really setting back the hands of the clock of progress so far as this province is concerned? Have they considered what harm they have already done to the progress and well-being of the land they live in and the yet greater harm which they are likely to cause in view of the forthcoming advent of the Statutory Commission? They have already succeeded in one, namely, to render Bengal a by-word of ridicule. A time was when while Bengal led, the rest of India followed. Now it is Bengal that is doomed to lag behind other provinces as the result of the light-hearted pastimes in which they have been indulging for some years past.

#### ALONE AND ISOLATED.

Bengal now stands isolated and alone while the Reforms are working satisfactorily in all the other provinces. In spite of the rhetoric of my friend, Dr. Roy, and his disavowal of any personal motive in bringing this motion, I am afraid that a great deal of personal motives have entered into this motion. He has tried to explain the attitude of his party with regard to the question of Dyarchy and he has dilated on the provisions of the Act which give the Governor the power to administer the Transferred Department irrespective of the question of the Minister. He has told the House that the provisions of the Act do not confer any real responsibility on the people. He has told the House that the Governor can interfere in all matters and functions of the power of the Minister. This is far from the truth. May I tell him that it is the Minister who really makes out the policy? May I tell him that the Governor is there to take and give advice to and to guide and be guided by the Minister. I say that it is possible for any Minister to do sufficient good to his country and the people if he really wishes to do so and if he is worth his salt. In all civilised countries where parliamentary institutions flourish, it is not possible to bring in a motion of no-confidence against any Minister on such flimsy pretext—nay, it would be unthinkable. There such a motion must be based on some constitutional issue or some particular question of policy or some matters connected with the public weal; but here, in the speeches to which I have listened patiently, I have failed to find a single instance which they have been able to cite of any action on my part whereby I could have possibly forfeited the confidence of my countrymen.

#### WELFARE SCHEMES.

It was only in March last when a vigorous attempt was made to throw out the salary of the Ministers. At that time, I must say, so far as a large section of friends on the opposite is concerned, there was some plausible ground inasmuch as it could have been interpreted as an attempt to kill Dyarchy altogether. The deplorable Kulkati incident was there; full advantage was taken of arousing communal passions

to the highest pitch ; but in spite of all such sinister endeavour their attempt was defeated, and the verdict was entirely in our favour. What has happened since then ? If anything, I have been in the meantime trying my humble best to do whatever I can in order to serve my God and my country. I consider it a sacred privilege to serve God by serving His creatures and that is what I have been doing. Ever since the assumption of office I have been untiring in my efforts to formulate and push through far-reaching schemes affecting the public welfare. I would briefly recapitulate a few items. Will it please my friend, Dr. Roy, if I tell him that I have initiated various schemes of public utility ? Shall I tell him, although he treated the subject in that light-hearted fashion whereas I did not for one moment treat them in the way he has done ? Shall I tell him that as regards the question of cholera—a disease which at at once rouses terror in the minds of the people—that it was I who initiated a vigorous campaign against it ? It was in Bengal that 30 years ago Dr. Haffkin invented that wonderful treatment. While other countries had taken advantage of this system of treatment and driven away cholera from their shores here in Bengal thousands were dying every month from cholera ; but since the introduction of the above treatment the death rate has fallen off considerably. Was it a crime for the Minister to do this ? Was it a crime to serve his countrymen, I ask ? If so, I plead guilty to the charge. Then as regard water hyacinth the House is perhaps aware that this question has been before them for a number of years and still nothing tangible had been done, I have given very careful attention to this question. Most of the members are perhaps not aware of the extent of the damage done alone to crops by this pest and they will perhaps be surprised if I say that in one district alone the loss to agriculture came to Rs47½ lakhs. May I ask if it is a crime to take all steps that were necessary in order to eradicate the pest ? If so, I plead guilty to the charge.

#### KULKATI INCIDENT.

Now, sir, I turn to the regrettable Kulkati incident which has been yoked to the cause of political vendetta and I will only say that they are worse than vultures who could take advantage of the bodies of those martyrs for their political propaganda. I have been told that I did not stir in the matter. I emphatically repudiate the charge. It was I who took a large number of the members of this House to wait upon the Hon'ble the Home Member and to represent Moslem feeling in this connection and press for necessary inquiry. Nor did I stop at that. I also interviewed His Excellency Lord Lytton, the then Governor, and did whatever was possible in the circumstances, and I only rested when I felt sure that necessary action would be taken.

What have the other gentlemen done ? I have been trying to raise funds for the relief of the people and they were trying to stop the collecting of those funds ? Those funds, God willing, will be distributed to the people affected in the fulness of time.

#### PERSONAL JEALOUSIES.

I have no hesitation in saying that this is no *bona fide* motion of non-confidence at all. It is merely an opposition arising from a curious amalgam of political irresponsibilities and personal jealousies and disappointed hopes on the part of disgruntled politicians. It is such an opposition which on the pretext of our having lost the confidence of this House seeks to hound us out of office before we have even had a fair chance and time to show what we can do. One can understand the attitude of the Congress Party in the Council which is avowedly out to oust Dyarchy and kill Dyarchy if that be possible. But I had hitherto thought that their opposition was against the principle and not against the personnel of the present Ministry. But the opposition from their new found Moslem allies seems inexplicable as these gentlemen were sent to the

Council with a distinct mandate to work the Reforms and not to destroy them. But their first act was to vote against the salaries of the Ministers. What lay behind their action then lies behind their action now and is quite patent to all.

#### RELEASE OF DETENUS.

I have also been charged with keeping silent at the time when there was a motion before the House with regard to the release of the detenus. I was told that I remained neutral. With your permission I will refer my friends to the Rules of Business on this subject. Speaking from memory I may say that the rules are that when a Minister does not happen to agree with anything that transpires in the work of his colleagues, he cannot possibly oppose them by speech or vote against them. There is only one course open to him and that is to remain neutral. I am sure that my friends on the other side cannot be possessed of the divine gift of reading other people's thoughts. They surely cannot pretend to tell me they knew what thoughts were in my mind when I sat silent and did not vote on that resolution. I ask them is it fair on their part to charge me with a thing to which they cannot ascribe any motive ?

#### STATUTORY COMMISSION.

I have also been charged with communalism and things of that kind. I beg to emphatically declare that everyone can have only approbation for a Muhammadan or a Hindu who safeguards the legitimate rights of his community without encroaching upon the rights of others. But we can have nothing but condemnation for that Hindu or that Muhammadan who tries to oust the other. In this land of ours it is the duty of the Hindus and Muhammadans to live side by side as brothers. As I have said on more than one occasion that if my Moslem brethren will only realise that it is their duty not only to help each other, but to live in amity with the members of all the sister communities, then nothing on earth could retard their progress. Such being the case I would appeal first of all to my Moslem brethren to assist me in the working of the Reforms. I would appeal to all in the name of everything that is holy to consider the effect of their action to-day. We have been told that the Statutory Commission is coming shortly. I want to ask them squarely and fairly what verdict can the Statutory Commission give other than that Bengal is unfit for any further political advance if we go on as we are doing ? I fully share the views of my friend, Sir Abdur Rahim, that Dyarchy is not a perfect constitution. Dyarchy has its faults, limitations and shortcomings. But is not our duty to work Dyarchy and work the Reforms for what they are worth ? It is our duty to show by our merit that we are worthy of further Reforms and further progress. It is not for us to say that because this constitution is not perfect we won't have it. It is for us to say that whatever be the limitations of the system we will work it and show by our merit that we deserve something better. I need not remind my friends of the proverb "First deserve and then desire." We have got to prove our merit before the bar of the English Parliament and before the bar of the British people, and we have to prove that we are fit for further Reforms before we can expect to get them.

If my friends on the other side would only recall the events in recent years that took place in Ireland and Italy, they would find that things there are different from what things are in this country. A lot of blood was spilt and machine-guns were fired there, but we have no such weapons to fight with, but we have the greatest of weapons, and that is to work the Reforms and show by our action that we deserve further Reforms and further progress, and responsibility.

#### TO SERVE MY COUNTRY

Here I stand and declare before God that I have been inspired all the time by one and one motive

alone, and that is to serve my country to the best of my ability. I do not claim to be infallible. I am imperfect and conscious of my limitations. But I recognise it to be my duty to do what I can in order to serve and further the progress of this country. I frankly confess that I have always been inspired by these ideals in spite of what my friends on the other side of the House may say.

In conclusion I can only deplore in the words of the poet :—

Oh ! what a rarity,  
Of honour and charity  
Under the Sun ! ”

[“ *The Bengalee*,” dated 31-8-27.]

## FAIL OF MINISTRY.

### WRECKERS' INTRIGUES AND UNCLEAN METHODS.

#### *Mr. Ghuznavi's Speech.*

“ At a gathering of officials at the Grand Hotel on the 29th August, 1927, the following amongst others were present :—Messrs. J. H. Lindsay, C.I.E., I.C.S., R. N. Reid, I.C.S., J. G. Drummond, I.C.S., Major-Gen. G. Tate, I.M.S., Dr. C. A. Bentley, M.B., D.P.H., Mr. A. T. Weston, Rai Bahadur J. M. Mitra, Rai Bahadur J. N. Roy, Messrs. R. T. Davis, A. D. MacGregor, F. C. Griffin, S. C. Mitter, G. C. Sen, B. B. Sarkar, J. C. Sen, Khan Bahadur Quamaruddin Ahmed, Mr. Susil Kumar Ganguli, Khan Sahib Kabiruddin and Khan Sahib A. Jalil.

Addressing them Mr. Ghuznavi said :—

GENTLEMEN,

At the outset, I desire to convey to you my deep appreciation of your loyal co-operation, unflinching courtesy, genuine assistance which you have rendered me, and your sincere devotion during the period in which I had been in office for the second time as a Minister of the Government of Bengal. We have been closely associated together in the various departments which it has pleased Providence to entrust to my care. During this brief period it was with your assistance that I was able to formulate many a scheme which, when matured, will be fraught with immense benefit to my unfortunate countrymen. There is the campaign against Cholera, the Rural Public Health Scheme which will dot the map of this province with Health Bureaus in every thana, the campaign against Water Hyacinth, the scheme for the improvement of the entire cattle of this province, the establishment of Veterinary Dispensaries with underground cells for the storage of free serum, the throwing wide open the doors of the agricultural profession to the sons of “ bhadralogs,” the development of our Home and Cottage industries, and the speeding up of the passage of the State Aid to Industries Bill through the Council, the spreading of medical education by, establishing medical schools in Barisal, Berhampore Chinsurah, Jalpaiguri and elsewhere, and the raising to an up-to-date standard the hospitals in the rural districts of Bengal, the drawing up of a more satisfactory scheme for rural water-supply, the amendment of the long obsolete Local Self-Government and the Bengal Municipal Acts, the initiating of proposal for the control of motor vehicles traffic in our rural areas, the instilling of the ideas of co-operation throughout rural Bengal, the popularising of Jute and other Sale Societies to the same extent as the credit side of the Co-operative movement, the formation of a close service in the Co-operative Department, which is most urgently needed in the interests of the efficiency of the department, the creation of some other agency than that existing at present for the recruitment of Muhammadan Marriage Registrars, the amelioration of the condition and emoluments of Sub-Registrars, Veterinary Surgeons and other underpaid subordinate officers in the public employ, and various other schemes of public benefit and utility in the nine departments out of twenty into which administration is divided in Bengal. These, gentlemen, are the

principal items which have been engaging my earnest attention, and in which you all have been of the greatest assistance to me.

### TWO MONTHS' WHIRLWIND TOUR.

Besides these, it has been my privilege to make what one might call a whirlwind tour during the last two months throughout the major portion of this province where I had gone to learn at first hand the needs and wants of my fellow-countrymen, so that I might be better able to minister to their necessities and afford any relief which it was possible for me to obtain from the well-guarded strong-rooms of the Bengal Treasury. This in a way completes the tale of the work begun, but left undone. I leave all this legacy to your care and to your charge.

### WRECKERS' INTRIGUES.

Inscrutable are the ways of Providence : but it is for man to accept His decrees cheerfully and patiently in the hope that it is all for the best. When I read this morning's paper, I came across the following lines :—“ There is no need to dwell upon the more than dubious methods by which the last Ministry was driven from office. These methods are, unfortunately, a commonplace of politics in Bengal, and there was last week manoeuvring, intrigue, and worse, of a kind that would be considered a disgrace to any part of India except this Presidency.” When talking about the qualifications of a Minister, they were summarised in that paper as ability, including of course educational qualifications, social standing, a real following and freedom from pecuniary worry ; in other words, plenty of cash. If a Minister is required to keep his seat in Bengal at the present moment intact, I could not agree to these being the requisite qualifications, except perhaps the last. From my experience of two Ministries, this is what I would say. If a Minister in Bengal wishes to make his Ministry stable, he must start in the first instance by leaving the Finance Department severely alone ; and he must be content to relegate his files and the work of the administration to his Secretaries and their subordinates. Thereafter, he must devote his entire time and energy in pandering to the whims, caprices and vagaries of the waverers and blacklegs amongst his Party and outside and their myriads of relations and connexions ; and their slightest wish must be a law unto him. He must renounce all his independence of thought and action, and subordinate even his physical necessities to their comforts—nay, even to their pastimes. He can only then hope to withstand any onslaught from the constitution-wreckers even in unholy alliance with the mandate-breakers.

### TRIBUTE TO SECRETARIES.

Well, friends, your poor Minister sadly lacked in these qualifications : hence you must be content to part with him. But although he may not be there in the flesh with you in the Secretariat, his spirit will be there to cheer you on in the good work which he loved so well. When I laid down the reins of office once before in 1924, this was what I said :—“ No Minister, as far as I knew, had the privilege of working simultaneously with three Secretaries and a large number of Heads of Departments who were uniformly and devotedly loyal to him, as they had been to me. I did not remember of even one solitary instance where the Secretaries did not faithfully co-operate and carry out my orders in the administration of the Transferred Departments.” Once more I fully endorse every word I uttered then. I would like to refer to Lord Lytton's swan song in which he gave expression to his views about the present constitution, and said :—

“ The existence of an Executive which cannot be removed by the Legislature and of a Legislature which cannot be removed by the Executive is not calculated to produce harmony between the two, and, without harmony between the Legislature and the Executive, efficient Government is impossible. To

ensure harmony an elected Legislature requires an Executive responsible to it and removable by it, and an irremovable Executive requires a nominated Legislature."

Well, gentlemen, how I feel about it is this. The first and foremost Reform that I would be inclined to press before the Statutory Commission would be to remove the anomaly in the spectacle of the present Government where half the Government has got to depend on the vote for its salary, and the other half has not. Either restore independence of action to the entire Executive or let the whole Executive sail in the same boat. An argument was whispered to me against the latter proposal, viz., that in that case there will be a chance of the entire Executive being turned out from time to time. Against this I would point out that if anything, it would tend to operate differently, as there would be more oarsmen to keep the boat of State afloat.

#### GOVERNOR AND MINISTERS.

Gentlemen, one word more, and I have done. A reference was made the other day to the Governor with regard to his relations to the Minister in charge of the Transferred Departments. I would say at once that the work in the Transferred Departments depends to a large extent not only on the personality of the Minister who, as I said, must be worth his salt, but also on the personality of the Governor who is there to listen to his advice, to give his advice, who is there to guide him and be guided by him. In His Excellency Sir Stanley Jackson, Bengal is fortunate in having one who has played the game all his life and is playing the game here as well. He did play the game with his Minister too. And I have to acknowledge publicly my indebtedness to Sir Stanley for his multitudinous acts of kindness, no less to the gracious lady who is by his side to cheer and comfort him in the midst of his tribulations and trials in steering clear of the shoals and the rocks in the waters of the Hooghly. I can say that during the brief period of our close association he never failed to give me the benefit of his advice: nor was he ever chary of accepting my advice.

#### "A BOND-SLAVE FREED FROM SHACKLES."

Well, gentlemen, I can only compare my feelings to-day to that of the bond-slave whose shackles have fallen off from him, and who feels that he is free once more. From my college days up till now, I have been accustomed to work more than ten to twelve hours a day, and I feel that work is my food, my raiment and the very breath of my nostrils. The sense of freedom that I derive is not from work, but from unnecessary worry. When I find public life in Bengal free from these shackles—free from the loss of one's independence of thought and action, I shall welcome it. Till then, friends, adieu."

[*"The Bengalee,"* dated 30-8-27.]

#### SCENE IN COUNCIL LOBBY.

##### *Official Tactics.*

"On Monday last in the Bengal Legislative Council Lobby, the Maharaja of Nadia, asked Mr. Farouki, M.L.C., on which side the latter was going to vote on the no-confidence motion. Mr. Farouki replied that he would be guided by what his party decided and he could not give any other reply. The Maharaja was insistent and in a somewhat haughty tone demanded a clear answer. On Mr. Farouki's not acceding to the Maharaja's demand, the latter told Mr. Farouki that he would have Mr. Farouki removed from the common managership of his Joint Estate. It was obviously meant as a threat to Mr. Farouki and the latter told the Maharaja that he could do whatever he liked. Thereafter Mr. Farouki reported the matter to the Private Secretary to the Governor.

The over-zealousness of the Maharaja in the cause of the Ministers has attracted the attention of many and he has been heard by many in the lobby to say that 'the present Ministry is his creation' and he must do his best to keep it alive."

[*"Forward,"* dated 21-3-28]

## Memorandum submitted by the Hillmen's Association, Darjeeling (Bengal).

On behalf of the Darjeeling Hillmen's Association, I desire to submit the following Memorandum to the Royal Statutory Commission for its kind and sympathetic consideration :—

The Association consists of 500 members representing all the sections of the hill people—namely Nepalese (Gurkhas) Bhutias, Tibetans, Lepchas and Sikkimese living in the whole district of Darjeeling—and its object is to safeguard the interests of the entire hill people in the said district.

The Association desires to confine its remarks to item (c) of the Appendix to the " Invitation to submit Memoranda " issued by the office of the Indian Statutory Commission, viz., methods whereby particular interests—communal, local, social and economic—may obtain adequate representation on local Self-Governing Provincial and Central Representative Bodies.

The Association regards it as an axiomatic truth that in any scheme for constitutional development there must be adequate provision for the extension of franchise to all communities having stakes in the country.

The hillmen community in the district of Darjeeling at present occupies a very unique position in the country—their population has increased to a great extent, they have advanced in education and now are also engaged in every sort of avocation of life and all round progress is noticeable amongst them.

The Association submits that though the hill people in the district represents eighty per cent. of the population and are sufficiently advanced and are taking part in the Municipal and District Board administration, they have been excluded from the

reforms, whereas such backward tribes as Santals of Santal Parganas and their own fellow-brethren in the other provinces, namely Shillong, Simla, etc., have already got the reforms.

The Association further submits that great injustice has been done to the hillmen community in the district of Darjeeling by treating the said district as " backward tracts " and excluding it from the scope of the reforms.

This Association submits also that having regard to the progress made by the hillmen in recent years towards education, administration and trade, steps should be taken to remove the Darjeeling District from the list of " backward tracts " and include it within the scope of reforms.

This Association finally begs to submit that in the event of the district being included within the scope of the reforms, at least three seats may be provided both in the Provincial and Central Legislatures for hillmen community in the district of Darjeeling.

At a time when the situation is fraught with the possibility of a new orientation of policy it is essential that the hillmen community representing eighty per cent. population in the district of Darjeeling should have a proper representation on the local Legislative body to look after their interest.

This Association therefore confidently expects that the Indian Statutory Commission will give this matter its sympathetic consideration, and will be pleased to include the district of Darjeeling within the scope of reforms by removing it from the list of " backward tracts " and to provide for adequate representation on behalf of the hillmen community.

## Memorandum submitted by the Constitutionalists (Southern India Liberal Federation), Madras.

At the very outset we may submit that we accept that the ultimate determination of the time, the manner and the extent of the constitutional progress of India is entirely at the discretion of the British Parliament. But in the Bill that may hereafter be passed by the Parliament making constitutional changes in India, it should be recognised, that it is so passed out of deference to the wishes of the people of India. In making this proposal, we are not attempting to follow the example of the famous Declaration of the United States Constitution, which begins with, "*We the people of the United States do ordain and establish.*" But we do wish to follow the precedent set up in the Preamble to the Commonwealth of Australia Constitution Act, wherein we find, "*Whereas the people of New South Wales, etc., have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland and under the Constitution hereby established,*" so that the emphasis of the *people* might indicate the democratic origin of the Constitution, and foreshadow its nature. Thus, the Preamble to the Government of India Act 1929 may begin as, "*Whereas the people of the various provinces in British India have agreed to give up the unitary government under which they are hitherto governed and to unite in one indissoluble Federal Commonwealth under the Crown of Great Britain and under the Constitution hereby established, etc.*"

We may also mention that our goal is full Dominion Status—leading up to absolute equality of status with Great Britain—with India, governed by her own people, under a system of complete responsible government, and as equal partner of the British Commonwealth of Nations, under the British Crown. We attach to the principle of equality of nationhood as much importance as the Dominions attach, and our aim to secure international recognition of such equality is not less earnest than that of the Dominions. The Dominions, no doubt, have stolen a march over us, but we are determined to overtake them. Separation, or "*Independence*" from Great Britain, is not by any means our desire. We consider that both India and Great Britain, in fact even the Dominions, have everything to gain by remaining parts of the same Commonwealth of Nations, while separation might mean weakness of the Empire and danger to India. We earnestly hope and trust that all the present constituent parts of the British Commonwealth of Nations might continue as equal partners for a long time to come, in the interests of all concerned and for the common good.

In order to enable India to attain the status indicated above, we wish to emphasise the necessity of the immediate introduction of four great reforms in the present Constitution. These may be stated as:—

- I. Complete Provincial Autonomy.
- II. Introduction of the principle of responsibility in the Central Government.
- III. A Federal System of Government for India.
- IV. A declaration of fundamental rights.

### I

#### PROVINCIAL AUTONOMY.

It has been said that Provincial Autonomy has never been defined by Indians, and that politically-minded people in India have no clear conception of what that expression is intended to convey. But, for our present purpose, we may be permitted to adopt the definition quoted by Sir Frederic Whyte, in his monograph "*India a Federation,*" from an unnamed authority, "*Autonomy is defined as, in general, freedom from external restraint, Self-*

*Government.*" By Provincial Autonomy, we only mean freedom for the Government of the Provinces from the restraints of the Government of India, or the Secretary of State or the British Parliament. We want Provinces in India to have governments of their own, uncontrolled and unrestricted from above in all provincial matters—in matters connected with administration, legislation and finance. We want Provincial Governments in India to enjoy the same freedom which the State Governments in the Commonwealth of Australia enjoy, subject of course, to this, namely, that Provincial Governments shall bear to the Central Government in India, the same relations which the said States' Governments bear towards their Federal Government.

At this stage of the progress of the country, it does not, perhaps, require any very elaborate argument to make out a case for the grant of complete Provincial Autonomy. The whole question has been threshed out by the Muddiman Committee. A volume of evidence has been collected, both oral and documentary, from all shades of political opinion in India, from Ministers, ex-Ministers, Executive Councillors, retired Executive Councillors, leaders of all parties in the country, and leaders of Opposition in the Legislative Councils, not to speak of representatives from various communal and political associations. If there is one subject on which there is an overwhelming consensus of opinion in favour of reform, it may be said that this demand for Provincial Autonomy is that one. We do not, therefore, propose to enter into an elaborate discussion or argumentation in support of it. We shall, however, mention the more important points below.

1. The authors of Dyarchy themselves called it a hybrid system and the sooner it is altered the better.

2. They meant it to be only a transitional measure—a halfway house. A decade is a sufficiently long period for change, and the halfway house has long been passed.

3. Dual control creates friction, and the smooth working of the governmental machinery is impaired.

4. The system was intended merely as an experimental measure. The experiment has been performed.

5. It was meant to give training to Indians in responsible government, and the training has given sufficient experience.

6. The principle of unity is a recognised fundamental essential in all modern and civilised good governments. Dyarchy is its antithesis.

7. Under the present system there need be no unity amongst the Ministers themselves, as distinguished from unity with the Executive Councillors. The removal from power of the Ministry as a whole is not only not insisted on, but the dismissal of individual Ministers is actively encouraged or insisted on—a proof of imperfect solidarity in Ministers. In December, 1923, immediately after the second General Election, a formal resignation of the three Ministers in Madras was obtained by the Governor, and a new Ministry was formed with two of the old Ministers and a new third Minister. The Minister who was dispensed with was not consulted, nor was he ever told why he was replaced by another. In March, 1928, two out of three Ministers in Madras had to resign, and their places entrusted to two others, and the new Ministry continued as of old. Joint responsibility of a Ministry is thus not recognised, while solidarity in a Ministry is neither encouraged nor expected. The Muddiman Committee, while observing that "*the difficulties in the way of establishing joint responsibility in India are doubtless great,*" adds, "*we are convinced that joint responsibility of the Ministers is the very essence of the present Constitution . . . the object (of the Reforms) was to introduce an approach to Cabinet Government for the Transferred Side of the administration; until this is accomplished*

there will be, in our opinion, little training in responsible government." But, they admit that "there are, however, some provisions in the rules under the Act, and also in the Instrument of Instructions, which suggest that the Governor in relation to Transferred Subjects should be guided by the advice of the individual Minister."

8. Joint deliberation (recommended by the Joint Committee) between the members of the Executive Council and the Ministers has been found to be almost impossible, and consequently has not often been resorted to except in Madras and Bengal.

9. There is no need for joint deliberation amongst the Ministers themselves. Each Minister can have his own policy, and can go on with it, provided, of course, the Governor accepts it, and the Legislative Council does not object to it. In Madras, the fiction of a Chief Minister is in vogue. But he is a Chief Minister only in name. The other Ministers are not bound to follow his lead or accept his advice.

10. The Reforms of 1919 were intended to introduce responsible government in the provinces. But Clause 3 of Sec. 52 of the Act provides for action being taken by the Governor against the advice of the Ministers if he sees sufficient cause to dissent from their opinion. This is a negation of the principle of responsible government. In no civilised country, in which the system of responsible government obtains, is a Governor allowed to act against the advice of the Ministers, though it may be open to him not to act upon such advice.

The analogy, drawn from that fact under similar circumstances, the Governor can override his Executive Council, does not apply, for the simple reason that the Executive Council is not responsible to the Legislative Council, while the Ministers are.

In the Royal Instrument of Instructions to the Governor, we find, "in considering the Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the province as expressed by their representatives therein." These instructions could not be followed, no doubt, for very good reasons, by the Governor of Madras in March, 1928, and his dissent from the opinion of two of his Ministers resulted in the resignation of the latter, though the said Ministers' position was in consonance with the resolution passed by the Legislative Council on the 25th January, 1928.

11. Provision is made under the rules for the Governor to take charge of a Transferred Subject in cases of emergency where, owing to a vacancy, there is no Minister available. In such cases, the Governor is not responsible to the Legislative Council for the administration of such a subject. This again is a negation of the principle of responsible government. What is more, in such cases, the Governor is not responsible even to the Secretary of State or the British Parliament. This is negation of all responsibility.

12. The Joint Committee recommended that "Members of the Executive Council and Ministers should not oppose each other by speech or vote; members of the Executive Council should not be required to support, either by speech or vote, proposals of Ministers which they do not approve; nor should Ministers be required to support by speech or vote proposals of the Executive Council of which they do not approve." This has resulted in some anomalies. The Ministers are expected to be loyal to their colleagues on the Reserved Side, and to assist them by defending their position in the Legislative Council. But if the Legislative Council disapproves of any proposals of the Reserved Side, then the Ministers must either be disloyal to their colleague or displease the Legislative Council and act against the wishes of that body. In Madras the spectacle was witnessed when the Ministers voted with the Executive Councillors while the Ministers' followers voted against them, as in the case of the resolution on the Permanent Revenue Settlement.

In this the Ministers were defeated, but their party was victorious. Again, Ministerialists can be defeated, but the Ministers can be with the winners, as in the case of the debate on the Staff Selection Board. Under the above circumstances, the Executive Councillors naturally suspect the loyalty of the Ministers, while the latter feel helpless.

13. The Joint Committee recommended, under the circumstances referred to in the beginning of the last para., "all other official members of the Legislative Council should be free to speak and vote as they chose." The predicament, in which Mr. Samuel, Financial Secretary to the Treasury, was placed recently by accepting, on his own authority and in the absence of his chief, a budget amendment in the British House of Commons, need not arise in the provinces in India. Under the above rule, even a Secretary attached to a Minister can speak and vote against the latter. In 1922 the Secretary, Mr. G. B. F. Muir, I.C.S., moved an amendment to a provision in the District Boards Bill then under discussion in the U.P. Legislative Council. The Minister, Pundit Jagat Narayan, who was in charge of the Bill, knew nothing about the amendment, was never consulted by the Secretary and was opposed to it on the merits. It was with great difficulty that the Secretary was prevailed upon to withdraw the amendment.

14. Under Sec. 72 D (4) of the Government of India Act, the Governor of a province may certify that any Bill or any clause of a Bill affects the safety and tranquillity of the province, and on that account may direct that no proceedings or any further proceedings shall be taken by the Council in relation to that Bill or a clause thereof. This negatives the right of the people or their representatives in the Legislative Council to make laws which they consider necessary for the good of their province, and stifles legislation and public opinion at a very early stage.

15. Under Sec. 72 E (1) the Governor may certify that the passage of a Bill relating to a Reserved Subject which a Legislative Council has failed to pass or refused leave to introduce, is essential for the discharge of his responsibility, and thereupon the Bill will be deemed to have been passed and shall, on the signature by the Governor, become an Act. This is a negation of all principles of responsible government. This power of the Crown to make laws over the head of the people and of their representatives is foreign to all democratic, representative, and responsible systems of government.

16. Under Sec. 81 (3), the Governor may withhold his assent from a Bill passed by the Legislative Council. The grounds on which he may so refuse his assent are nowhere specified in the Government of India Act. This withholding of assent must be based on definite principles which should be specifically defined in the Act.

17. Under Sec. 81 (4) the Governor-General also may withhold his assent from any Act passed by a Local Legislature and assented to by the Governor. This double check is unknown to other constitutions enjoying responsible government. Even for this second assent, the principles are not defined.

18. Under Sec. 81 (1), the Governor may reserve a Bill for the consideration of the Governor-General. Under Sec. 81 A (3) the Governor-General may reserve any Act for the signification of His Majesty's pleasure thereon. Here again is a provision for double distillation. There can be no objection for a single reservation, but then it must be for the reasons, on the principles and on subjects, recognised in all countries where responsible government prevails.

19. Under Sec. 80 (A) the Local Legislature has power to make laws "for the peace and good government" of the province. The usual expression is "for the peace, order and good government." It is not clear why the word "order" is omitted. It is also not clear, therefore, how far the plenary powers of a Local Legislature are restricted by the omission.

The fact that the word "order" is omitted in giving power to the Governor-General in cases of

emergency to make Ordinances and Regulations for the peace and good Government of India in Secs. 71 and 72 of the Act does not seem enough to consider that the omission was intended merely to remove redundancy.

20. Sec. 80 A (3) prohibits a local legislature from making or taking into consideration any law regarding certain subjects without the previous sanction of the Governor-General. This requirement of previous sanction must be done away with, while the making of laws regarding the more important subjects mentioned in the section, such as, the discipline of the army can be made *ultra vires* of the Legislative Council.

21. Under Sec. 72 D (2) proviso (a) when any demand in the budget relating to a Reserved Subject has been refused by the Legislative Council, the Governor may certify that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject, and on that certificate the refused demand is deemed to have been granted. This is taking away the power of the purse from the people, the most essential and elementary right known to democracies and responsible governments. Under proviso (b) of the same section, the Governor can certify, "in cases of emergency," authorising such expenditure even in the case of Transferred Subjects, on the ground that it is necessary for the safety or tranquillity of the Province, or for the carrying on of any department. This ignores responsible government altogether.

22. Again, the sanction of the Legislative Council is unnecessary, under Clause (3) of the said section, for the expenditure on certain items. Some of these ought to be brought under the control of the people's representatives; that is, the number of non-votable items should be reduced to a minimum. The Legislature should have power to alter the Civil Lists, without affecting existing holders of office.

23. Under Devolution Rule No. 27, "the Local Government of a Governor's Province shall not, without the previous sanction of the Secretary of State in Council, or of the Governor-General in Council, as the case may be, include any proposal for expenditure on a Transferred Subject in a demand for grant, if such sanction is required by the provisions of Schedule III to the Devolution Rules." Schedule III gives a list of new posts which cannot be created and of existing posts which cannot be abolished or whose pay cannot be increased or reduced without the previous sanction. In some cases, even temporary appointments cannot be created, nor can any grant of an allowance, pension, or gratuity be made to any Government servant, except under certain circumstances, without such previous sanction. These limitations to the powers of the Governor acting with his Ministers in Transferred Subjects, and in fact, of the Legislative Council itself, show how unreal responsible government is, and to what extent outside control is exercisable even when the Ministers, the Governor and the Legislative Council are agreed upon certain expenditure. It is submitted that the control of the Legislative Council ought to be deemed sufficient in such matters.

24. The power of making laws by Regulations and Ordinances under Secs. 71 and 72 of the Act must be limited to the cases in which His Majesty can pass Orders in Council or issue Proclamations. The Legislature in India, as in all other civilised countries, must have "the ultimate power to prevent legislation by the Crown" except, perhaps, in cases, if any, in which the Crown in England can legislate by Orders in Council or by Proclamations.

25. Under the existing system, Ministers are able to carry their proposals in the Legislative Council and to retain their offices as Ministers, not on the support of elected majorities, but with the help and co-operation of nominated members and government officials. It was noticed by the Muddiman Committee that out of 15 divisions that took place in the Punjab

Legislative Council, the official vote determined the result in 8 instances. The principle of responsibility to the electorate is thus lost. Similar instances have occurred both in Madras and in other provinces. A more singular position had arisen in our province soon after the elections in 1926. The election disclosed that out of 98 elected members, about 48 happened to be Swarajists, 20 to be Justicites (Party in power from 1921 to 1926), 6 Europeans, 18 Independents, and 6 more of no denomination. The Swarajists refused office, and the Justicites, being in a minority, were unwilling to form a ministry, and the Governor called upon the Independents to form a ministry, and they did form one. They had no elected majority in the Council; and yet they carried on quite efficiently for more than a year. Thus, any three elected members of the Legislative Council, if made Ministers by the Governor, can carry on without fear of being defeated in the Legislative Council. The incentive to form and consolidate parties, and to increase the number of followers, based on a separate definite policy and programme, is lost. This is one of the reasons why party system, so very essential for the development of responsible government, has not been encouraged. The defect is inherent in the system of nomination to a popular house.

26. Under the system, now in force, the responsibilities of a Governor are, no doubt, heavy, but his powers also are really enlarged over his powers in the pre-Reform days:—

- (a) Under the old system, as Governor-in-Council, he was ordinarily bound by the opinion of the majority of the Council, except in cases where a decision was left entirely to his discretion, under the then Act, and in rare cases where he was empowered to overrule his Council. This applied to all subjects, because then there were no Transferred Subjects. After the Reforms, the Governor exercises more power than before over what are now the Transferred Subjects. As pointed out already, he can override his Ministers. He can interfere not only with the policy of a Minister, but also with every detail of his administration. Executive Councillors are entitled to record their minutes of dissent and ask for their transmission to the Secretary of State. The Ministers have, evidently, not got this power.
- (b) The Governor-in-Council is bound to call for meetings of the Council, and it is the will of the majority of that Council that prevails. In the case of Transferred Subjects, the decision of the Governor, acting with his individual Ministers, is final. A Minister cannot call in aid the votes of his co-Ministers to outvote the Governor, as the Executive Councillors can do. A Governor is not bound to consult all the Ministers together.
- (c) Please mark the words "the Governor acting with his Ministers." The significance of this language is clear, and it has been used to ignore the basic principle of responsible government.
- (d) The rules enabling Secretaries and heads of departments to have access to the Governor behind the back of the Ministers have worked to the disadvantage of the latter. These rules are defended on the ground that the Secretaries are Secretaries to the Government, and not to individual Ministers or members of Government, and on the ground that the system existed even in the pre-Reform days. That is, no doubt, true, but then there was neither Dyarchy nor any responsibility to the Legislative Council. Mr. D. N. Banerjee in his "Indian Constitution" (p. 420) observes that Governors in some pro-



vines "have to control their Ministers to reduce them to the position of mere advisers and to concentrate power in themselves, even in respect of the administration of Transferred Subjects."

- (c) The control over the Ministers is, for all practical purposes, twofold now. There is the control by the Governor, and there is the control by the Legislative Council. This double control is incompatible with Ministers' responsibility to the Legislative Council. And, when we remember that the Governor is not responsible to the Legislative Council, and, that under the Legislative Council Rules and Standing Orders, the conduct of a Governor cannot be questioned in the Legislative Council by interpellation or by moving any resolution, we can realise the condition of responsible government, as it exists at present in the Provinces.

27. Under the practice set up in Madras, it is not open to a Minister to see any file or Government Order passed in another department without the permission of the Member concerned. It is only after obtaining such permission, the file or Order will be supplied to him. But this disability does not attach to a permanent Secretary with a Minister, under the same practice or convention. The position of a Secretary is thus better than that of a Minister.

28. It is not open to a Minister to raise any question for discussion or start a file on any point affecting any Reserved Subject. The following case has once occurred in Madras. At the suggestion of the Governor, and in fact, on his command, the Minister of Industries prepared a note with a view to transfer certain powers of initiative, then enjoyed by the District Collectors and the Board of Revenue, to the Director of Industries, in the matter of mining concessions. The Finance Member (an Executive Councillor on the Reserved Side) objected to this, on the solitary ground that a Minister could not take the initiative in any matter touching or affecting a Reserved Subject. The note had to be dropped at once, the Governor, who ordered the Minister to prepare the note, having surrendered to the objection of his Executive Councillor.

29. The absence of any real control of a Minister over his own Secretary has already been referred to. Neither he nor the Legislative Council can effectively control members of All-India Services working under the Ministers. The salaries of the Services are non-votable, and sometimes occasions have arisen in many a Legislative Council in India when members had to move motions for cutting down the pay of the clerks and peons of an officer whose salary is non-votable and whose action on certain matters is objected to. Unable to vote down the salary of the officer, the Legislative Council resorts to the device of voting down the salary of a petty clerk to indicate its disapproval of the action of the officer. This may be perfectly legal, but does not add to the sense of responsibility or to the dignity of constitutionalism, or to the training of Indians in the direction intended.

30. The pay and prospects of the All-India Services are in the hands of the Secretary of State. These All-India officers have not much to induce them to be loyal to the Ministers or co-operate with them wholeheartedly save their own good nature, sense of duty and honour. In the evidence before the Muddiman Committee, several instances were disclosed that certain members of the permanent services did not wholeheartedly co-operate with the Ministers. There is, no doubt, much to be said on both sides. The Ministers thought the services should obey them. The members of the services thought that the Ministers were new to their work, and should be guided by the advice, which they are in a peculiar position to give, on account of their vast administrative experience. The Ministers were

of opinion that they knew their country and the conditions therein better than British officials, whose knowledge in such matters, however long they may have stayed in India, cannot be complete. Given the goodwill and a desire on both sides to give and take, much of the friction might, no doubt, have been avoided. But assuming that the administration had to be carried on in the strict letter of the law, there can be no denying that the difficulties of a Minister in this connection were, to a large extent, real.

31. The appointment and posting of some of the more important officers is with the Governor, and sometimes with the Government of India. Occasions might arise, and did arise, when a Minister wanted to post a particular officer to a certain place, but he was defeated in his object. For instance, in Madras, when the post of the Surgeon-General fell vacant, the Minister for Local Self-Government, who held the Medical Portfolio, could not get his nominee appointed, but an I.M.S. officer from Northern India was sent down as Surgeon-General to the Madras Government. Now, the Minister is responsible to the Legislative Council for the administration of the Medical Department. The Surgeon-General is an I.M.S. officer, originally appointed by the Secretary of State for India, and ever afterwards under the control and direction of the Government of India. The Minister has a policy of his own in matters medical, and wants, let us assume, to introduce certain reforms, such as the development of indigenous medicine. The difficulties of a Minister, under the above circumstances, are easily realised. There is no guarantee that the Surgeon-General appointed by the Government of India will see eye to eye with him on such matters. The new Surgeon-General, too, may have to take some time to understand the policy of the Minister, and this might mean much loss of valuable time, which is so very precious when it is remembered that the term of office of a Minister is normally only three years, unless he is re-appointed Minister after the next General Election.

32. Next, if a Minister finds that there are several superfluous posts in Transferred Departments filled by members of All-India Services, or that the duties of a large number of them can be efficiently discharged by the less paid officers of the Provincial Services, the Minister or the Governor acting with the Ministers has no power to abolish any such post, or transfer it to the cadre of a Provincial Service.

33. The reservation of certain posts in the Transferred Department to the I.C.S. has also caused some inconvenience in some provinces, in that it did not leave enough scope for the Minister to make a choice that can be said to be satisfactory. Take for instance the Co-operative Department. The head of that department should be endowed with a large amount of missionary zeal, sufficient acquaintance with prominent men, and the conditions in the rural areas, and a knowledge of and ability to speak the vernacular of the locality. Some I.C.S. officers might be available to fulfil these requirements, but not many. The Minister is not empowered, under the constitution, to put in an Indian or even an European who does not belong to the I.C.S. when the post is "listed."

34. The Reforms of 1919 were inaugurated under trying circumstances. The stringency following the war necessitated increased taxation and drastic retrenchment. Four provinces had also to pay a heavy contribution (since discontinued) to the Indian Exchequer. Under these heavy handicaps, the Ministers, during the last eight years, could not give tangible proofs of the benefits of Reforms, by effecting improvements in sanitation, hospitals, education, roads and the like, which alone directly appeal to the people. If these were the only handicaps, nothing could be said against the Reforms themselves, so far as financial sharing between the two halves of the Government is concerned. But the system of joint purse brought about its own disadvantages to the Ministers. Public opinion in India was

largely in favour of a separate purse. As noticed by the Muddiman Committee "The Madras Government, a member of the Council and some ex-Ministers from Bengal, the President of the Legislative Council in Bihar and Orissa and a Minister in Assam, all suggest that a system of a separate purse should be established." But the Committee could not recommend its adoption.

35. Under the Devolution Rules, Finance is a Reserved Subject, and the member in charge of the Finance Department is to be an Executive Councillor on the Reserved Side. Now, every proposal for expenditure, from every department, must pass through the Finance Department. The Reserved Departments are thus placed in an advantageous position of knowing everything, through the Finance Department, about every measure and proposal of the Transferred Departments, while the latter have no means to obtain knowledge of what is passing in the Reserved Departments. The disadvantage to the Ministers is that the Reserved Half, taking advantage of this knowledge, applied early for and obtained large sums of money, by way of re-appropriation. Again, the Finance Member has other subjects to administer, which, as his own children, naturally claim larger sympathy and therefore larger expenditure on their behalf, and are satisfied. This also worked to the detriment of the Transferred Subjects.

36. Next, Devolution Rule 38 gives great powers to the Finance Department in the matter of re-appropriation. Whereas that department can sanction any re-appropriation within a grant from one "minor head" to another "minor head," a Minister can only re-appropriate from one sub-minor head to another sub-minor head within that minor head.

37. The Joint Financial Secretary contemplated by Devolution Rule 36 cl. (2) has never been appointed in any Province, and the advice and assistance of such an officer was not forthcoming to the Ministers. The Muddiman Committee had recommended the appointment of a Financial Adviser instead of a joint Financial Secretary, the idea being that he should advise the Ministers "in the preparation of their proposals for expenditure so as to secure that they are not likely to suffer from technical objections, which might be raised by the Finance Department." This ignores the main object of the appointment of the Joint Financial Secretary who shall have equal powers with the Finance Secretary and who is to be a watch-dog, as it were, of the interests of the Ministers.

38. The subjects chosen for transfer and those reserved tell their own tale and disclose the plausible difficulties of Dyarchy. All subjects have a bearing upon each other, and it is difficult to dissociate one from another in actual administration. In Madras, the Minister for Agriculture is a minister without Irrigation or Land Revenue, both of which are Reserved Subjects. He is also Minister of Industries without Labour, Factories, Boilers or Mines which are all Reserved Subjects. He is further a Minister for Development without Forests or Electricity, both of which are again Reserved Subjects. The Minister for Public Works has nothing to do with Irrigation, though the Department of Public Works includes Irrigation as well as Civil Works. The Chief Engineer, who is the head of the Public Works Department, is thus a subordinate of the Minister so far as the Civil Works (roads and buildings) are concerned, and is a subordinate of an Executive Councillor (Reserved Side) so far as Irrigation is concerned. The absurdity of such a scheme is apparent on the face of it. The truth is, you cannot, in this fashion, divide subjects for administration, which all interact upon one another. The unity of the Government, designed for other purposes, is equally necessary in the administration of the subjects, which so interact upon one another. The distribution of subjects, under various portfolios, is a matter of mere administrative convenience and disposal of business, and Dyarchy cannot be justified on the basis of that circumstance. The Govern-

ment of a State is a single mechanism in which each subject has its own function to serve. You cannot dissociate some subjects from the rest without dislocating the entire mechanism. No doubt, in order to gain the more important advantage of training Indians in the art of responsible government, a certain amount of dislocation in the administrative machinery had to be resorted to, and put up with, in a transitional stage. But since the need no longer exists, and the training, already had, can be deemed to be sufficient, it will be cruel to persist in this makeshift device.

Sir John Marriot in his book, "The Mechanism of the Modern State" says "the Cabinet system as hitherto worked in England has involved the acceptance of five principles:—

1. Close correspondence between the Legislature and the Executive.
2. The political homogeneity of the Executive.
3. The collective responsibility of the members of the Cabinet.
4. The exclusion of the Sovereign from its meetings.
5. The common subordination of its members to the leadership of a First Minister."

Now, from what has been said above, it will be found that every one of these principles is violated in the Provincial Governments. We have seen how the Ministers voted against their own parties, and were defeated by their own followers when the latter did not approve of certain actions of the Reserved Half. We have also seen that Ministers were able to carry on certain measures only with the help of nominated and official members. Secondly, we have seen that Dyarchy is the very negation of homogeneity amongst the Ministers themselves. Thirdly, we have also seen one or two Ministers being dismissed or called upon to resign while others retained office. Fourthly, the presence of the Governor at the meetings of the Ministers, and in fact, the Governor himself being the actual head of the Ministers, violates the principle of the exclusion of the Sovereign from meetings. Lastly, we have also seen that there is nobody like a Prime Minister in any of the Provincial Ministries. The fiction of a First Minister in Madras was only one in name, and it never carried with it any of the characteristic features of Premiership. Thus has Dyarchy defeated the working of the Cabinet system, sought to be introduced in the Provincial Governments. But it cannot be denied that it has given sufficient experience to Ministers and members of the Legislative Council to understand the basic principles of responsible government. The time has come when Dyarchy has to be replaced by full responsible government.

Having given our reasons why Dyarchy in the Provinces should be changed into a form of full responsible government, we shall endeavour to give a few details concerning the constitution of Provincial Governments and Legislatures. Only a few details are given, because our submission is that the Australian model should be followed in preparing the constitution of the Provinces of India. As most of the provisions of the Constitutional Act concerning that country will have to be adopted, with such necessary alterations as the conditions in India might require, it will be unnecessary to repeat here the various provisions of that Act. We are aware that the Australian Constitution had not as any part of its object the framing of a government for the States. Autonomous States were in existence before the Federation was formed. It was not so in the case of the Canadian Constitution. We have to follow the latter in providing for the constitution of both the Federal and Provincial Governments. The following provisions are merely suggestive, and are by no means exhaustive:—

#### A. PROVINCIAL GOVERNMENTS.

1. There shall be no distinction between Reserved and Transferred Subjects. All shall be Provincial

subjects, and under the control and direction of the Ministers.

2. The Governor of every province, including provinces other than presidencies, should be appointed directly by the Crown without the intervention of the Governor-General, or Governor-General in Council. Such a Governor should generally be chosen from well-known British politicians. Our Association does not think that the time has yet come when Provincial men could be appointed as Governors. The duties of a Governor are very delicate, and at times very onerous.

3. The Governor in a Province should occupy the same position, as nearly as possible, of a constitutional Governor in Australia. He should act entirely on the advice of his Ministers, except in matters which are expressly or by implication reserved for his sole discretion.

4. No instructions shall be sent to the Governor from the Secretary of State on any topic except the assent or reservation of Bills.

5. If a Governor does not conform to regular constitutional usage, he shall be liable to be removed from office by His Majesty, if two-thirds majorities of both Houses of the State Legislature decide that they will not work with him.

6. A Governor shall have power to dismiss a Ministry or to ask his Minister or Ministers to resign under circumstances similar to those under which a Governor of an Australian State can dismiss or call for resignation. But, before resigning or obeying the order of dismissal, the Ministry shall be entitled to make a reference to the Secretary of State who may revise the decision of the Governor.

7. The Ministry shall consist of the Prime Minister, and not less than five other Ministers. The Governor shall appoint the Prime Minister who shall choose his colleagues with the approval of the Governor.

8. The Ministers in the province shall occupy the same position, as far as may be and as nearly as possible, as the Ministry in Australia, the Governor occupying the position of a constitutional Governor in the States in that country.

9. There shall be no Executive Councillors in the sense in which they exist at present. But, there shall be two advisers to the Ministry generally chosen from the Civil Services. These two will have a seat in the Cabinet, and also in the Legislative bodies, without a vote in either. One of these is to be the Financial Adviser to the Ministers, and the other their Adviser on Law and Order. They will receive the same salary as the Ministers.

10. There shall be an Executive Council to advise the Governor in the government of the Province (State), and the members of the Council shall be chosen and summoned by the Governor and sworn as Executive Councillors and shall hold office during his pleasure. All the Ministers and their two Advisers shall be Executive Councillors. The other Executive Councillors shall be honorary and unpaid. When a Governor in Council is given power under the Constitution, he shall act, if not always on the advice of his Ministers, yet always in accordance with the doctrine of ministerial responsibility. He shall not act without advice, though he can refuse to act. He shall not undo any action taken legally by his Ministers, though he can obtain another Minister to cancel the act of his predecessor.

11. The Indian Government being made a Federal Government, and the autonomy of the Provinces being recognized, according to our proposals, the relations between the Federal and States' Governments shall be, as nearly as possible, those obtaining in Australia between the Federal Government and the States' Governments in that country, in matters executive, legislative and judicial, subject to the limitations mentioned in the above paragraphs.

12. We prefer the Australian System of Provincial Governments to the Canadian system. Our reasons are threefold.

(i) We want the residuary powers in the provinces.

(2) We do not want any control of the Federal Government over the Provincial Governments, except what might be involved in the statutory provisions concerning the relations between the two Governments.

(3) The Native States in India can fit in only with the Australian system, but not with Canadian system.

#### B. PROVINCIAL LEGISLATURES.

##### (a) CONSTITUTION.

1. There must be two Provincial Legislative bodies—a Legislative Council, and a Senate.

2. The Legislative Council shall be entirely elected.

3. The Senate shall be partly elected and partly nominated.

4. The relations between the two Houses shall be similar to those obtaining in Australia, as nearly as possible.

5. The number of members of the Legislative Council shall be nearly twice that of the existing numbers.

6. The number of the members of the Senate shall be about a third of the Legislative Council.

##### (b) LEGISLATIVE POWERS.

The Provincial Legislature shall have the following powers in particular, among those which their counterparts in Australia enjoy.

1. The legislative power of the Provincial Legislatures shall be plenary, defined and exclusive.

2. In cases where there are concurrent powers and there is a conflict between provincial laws and the Indian laws, the latter shall prevail.

3. Proposed Provincial laws shall not be subjected to double assent, nor disallowed, except when they are *ultra vires*, or unconstitutional.

4. The Governor may assent or refuse to assent to any Bill passed by the Legislative bodies, in the name of the King. No Act shall require the assent of the Governor-General. The Governor may reserve a Bill for the signification of His Majesty's pleasure.

5. The Governor shall have no power to make grants by certification. He shall have no power to make Regulations or Ordinances, except in so far as he may be authorised by any Act of the Legislature.

6. Provincial Legislatures shall have no power to pass any law inconsistent with any Indian or Parliamentary Act.

7. They shall not undertake any legislation affecting any Federal subject.

##### (c) FRANCHISE.

1. Separate electorates for minorities, such as, Moslems, Indian Christians and Europeans shall continue.

2. Separate electorates for Depressed Classes, with separate electoral qualifications, shall be established.

3. Single member constituencies, or, in the alternative, plural constituencies with proportional representation on the system of a single transferable vote, shall be formed.

4. We are not in favour of universal suffrage, for the present; but the property qualifications of voters may be reduced, and this is absolutely necessary in the case of the Depressed Classes, Indian Christians and the Moslems.

5. Reservation of seats now allowed to the Non-Brahmins in the Provinces of Madras and Bombay shall continue.

##### (d) RELATIONS BETWEEN THE TWO HOUSES.

1. The Budget and all Bills imposing new taxes shall originate in the Legislative Council only.

2. The Senate shall have no power to amend any taxation Bill or any item in the Budget.

3. The Senate shall have no power to amend any Bill so as to increase any proposed charge or burden on the people.

4. The Senate may, at any stage, return to the Legislative Council any Bill which the Senate may

not amend, requesting, by message, the omission or amendment of any items or provisions therein.

5. Except as provided above, the Senate shall have equal powers with the Legislative Council in respect of all Bills.

6. The Budget shall deal only with appropriations.

7. Bills proposing taxation shall only deal with taxation. No tacking shall be allowed.

8. Provision shall be made to avoid deadlocks. The Australian procedure in this connection is very complex. We prefer the English method regarding money Bills, and we suggest that provisions similar to those of the Parliament Act of 1911 might be adopted in the Constitution, subject to the above provisions. As regards other Bills, provision shall be made for dissolution consequent on a disagreement of the two Houses.

9. The Legislature shall have power to make constitutional changes in matters affecting franchise, electoral divisions and the like.

## II.

### RESPONSIBILITY IN THE CENTRAL GOVERNMENT.

The question of reforming the Government of India presents innumerable difficulties. If it is agreed that India is ripe for full responsible government, the solution would have been easy enough by granting it without reservations. But the existence of Native States, the absence of Indian naval, military and air defences, the Hindu-Moslem troubles, the Brahmin-Non-Brahmin dissensions, the disabilities of the Depressed Classes, and the want of experience in responsible government in the Central Government, and the non-realisation of responsibility by the electorate, which is mostly illiterate, make the British Parliament hesitate to agree to the immediate grant of complete responsible government to India. Yet, there seems to be no alternative. Sooner or later full responsible government must be established in this country. Representative government is a settled fact in this land. It is not a recent institution. It has been in existence for several years. It has grown up from time to time, and may now be said to be in full swing. There can be no going back on it. Mr. Gwynn's suggestion, of an Assembly to be filled by members nominated by the provincial Ministers, is therefore out of the question. As the Hon. Mr. R. H. Brand said, in his "The Union of South Africa," "Institutions, when once they have been brought into being, have a knack of refusing to disappear." Representative government cannot, therefore, be abolished without bringing about disaster. Now, the history of representative institutions in the Dominions shows that such institutions in the Dominions inevitably lead to only one consequence, namely, responsible government. You cannot long continue the former without granting the latter. They are bound to go together. One cannot exist without the other.

In the chapter on "Failure of Representative Government in the Canadas," Prof. Kennedy observes, "There were fundamental contradictions in being allowed a say in passing laws without controlling the judges who interpreted them; in being allowed to vote taxes without deciding the items of appropriation; in being a constitutional part of the Government without an effective voice in the administration. The French Canadian House of Assembly never saw these difficulties politically isolated or politically correlated. They attacked one and all, but always when they felt that their race and nationality were in danger. Law the French Canadian must obey; taxes the French Canadian must pay; judges the French Canadian must face; administration the French Canadian must experience; and the challenge given in turn to each was a challenge fundamentally inspired by racial homogeneity and kept alive by those fears, suspicions, arguments, and aggressions which are the peculiar weapons of nationalism when fettered and unfree

in a servile state" (pages 158 and 159). In another place, in the same chapter, he observes, "But perhaps the most serious cause of failure in the functioning of the constitution was the fact that the Crown had no constitutional responsibility to the Houses of Assembly, and yet there could be no legislation without them." "The whole system was vitiated by possessing an executive authority which did not need to rely on public opinion." (p. 164). Again, we find Kennedy thus describing the state of Canada. "The history is full of painful illustrations of the Crown's independence of grants and of its carrying on the administration of the provinces without monies voted by the legislatures. This was one of the broad issues. The protagonists of the popular Houses in this connection were often factious and recalcitrant demagogues, but behind their wearisome protests and endless reiteration of their claims, there lies a fact of experience in modern government, that there can be little hope of political stability as long as the executive is financially independent." (p. 163).

We feel we need not apologize for these somewhat lengthy quotations. All the above conditions obtain in India to-day. All the fundamental conditions referred to in the first paragraph quoted exist to-day in India. Substitute the word Indian for French Canadian, and read the paragraph, and you will find it is entirely true of India. The Indians as a nation feel a "racial homogeneity" as against the Britishers in India, and the Hindu-Moslem differences and the Brahmin-Non-Brahmin squabbles are either forgotten or ignored in the struggle for freedom against an irresponsible executive. "The fears, suspicions, arguments, and aggressions" are as much the peculiar weapons of our "nationalism" in 1928 as were those of French Canada in 1828. We, too, pass laws and have no control over the judges who interpret them. We, too, vote taxes without deciding a good many items of appropriation. Our legislative Assembly is a constitutional part of the Government without an effective voice in the administration; our Executive is, to a large extent, independent, financially, of our legislative bodies. More than half the central expenditure is not votable by the Assembly, and fresh taxation has been imposed in spite of the adverse vote of the Assembly. Expenditure voted down by the Assembly can be restored by certification of the Governor-General. A whole votable budget has been easily thrown out by the Assembly, and has been as easily restored by the Governor-General. It is a matter of almost annual occurrence, that some items of expenditure are voted down by the former, and are certified by the latter, as a matter of course. The Crown has no constitutional responsibility to the Assembly. The executive authority need not rely on public opinion in India. There are at least ten ways in which a proposed law can be guillotined if the executive is so minded.

1. If it is one whose introduction is prohibited by the Act, say, one touching the army or the public debt, it cannot be introduced at all.

2. If it requires previous sanction, and the Governor-General refuses such sanction, it can be thrown out at the first reading.

3. It may be rejected by the Assembly.

4. It may be rejected by the Council of State.

5. It may be rejected at joint sitting of the two Houses.

6. The Governor-General may refuse assent or may return it for reconsideration.

7. The Governor-General may veto it at any stage, on the ground that it affects the safety and tranquillity of India.

8. The Governor-General may reserve it for His Majesty's pleasure, and His Majesty may disallow it thereon.

9. His Majesty may disallow it after it received the assent of the Governor-General.

10. If passed and assented to by His Majesty, even then the British Parliament may repeal it.

The Governor-General can make laws by Ordinance. He can get laws passed with the help of the largely nominated Council of State, and, in the last resort, can pass laws by Certification, as in the case of the Princes Protection Bill 1922. Even taxation laws are so passed, as in the case of the Financial Bills of 1923 and 1924.

The Indian Assembly has an elected majority and an Indian majority. In spite of the numerous disabilities already adverted to, it exercises wide powers, almost as wide powers as any legislative body in the world, save that of bending the executive to its will. As has already been pointed out, the members of the Assembly can not only discuss the entire budget, but also throw it out to a large extent. As the Hon. Mr. (now Sir Malcolm) Hailey said, in introducing the first budget (1921-22) under the Reforms, "If we incur expenditure, it would be under their mandate. If we impose taxation, it will be by their vote. If the burden pressing on any class of the community has to be lightened; if large concessions have to be given to any class of government employees; if large schemes of development on any project of social or moral improvement have to be financed, the House will have to share with us the responsibility to the general taxpayer." The members of the Assembly have got the power of interpellation, and can heckle the executive with supplementary questions on a wide range of subjects. They can move resolutions on all matters of public interest. In cases of urgency, they can move the adjournment of the House, a powerful weapon in the hands of clever politicians, who wish to expose the vagaries of the executive. Their vote must be obtained for the passing of any proposed law in the ordinary course. Private members can introduce their own Bills on many matters that concern public interests. They serve on Committees, including the Finance Committee and the Public Accounts Committee. They thus wield enormous powers which are often used to the detriment of constituted authority, without fear of being called upon to undertake the responsibility of putting their theories into practice. They are denied the advantage of learning by experience. They become reckless and imprudent. Recent debates in the Assembly have disclosed that non-official members excel the Government in the power of debate. The bureaucratic instinct ingrained in the Executive Councillors makes them regardless of their duty to satisfy the non-official representatives of the people. The latter feel they are slighted. The former consider them as unreasonable and irresponsible. Bad blood is created. Discontent prevails. Suspicion is generated. The non-official members stomp the country and represent the Government in the blackest colours; and the Indian press backs them. The result is inconceivable—the deplorable result of constituted authority being brought into contempt.

How then can there be any hope of political stability? Referring to the period immediately preceding Lord Durham's arrival in Canada, in 1838, Prof. Kennedy observes, "The hushed racial melancholy of one part of the country and the stifled political aspirations of the other bore witness to the fact that race could not be crushed or satisfied in its active life by inadequate constitutional recognition, and that a political people could not for ever sit down quietly under the domination of privilege." Conditions in India to-day are almost similar to those in Canada of 1838. It is, therefore, clear that full responsible government for this country cannot long be delayed. We have, ourselves, noted the difficulties in the way. But they are by no means insuperable. Steps should therefore be taken to pave the way. The whole question resolves itself into this, that a scheme should be devised which involves the introduction of responsibility into the Government of India. This may mean Dyarchy again. The condemnation of Dyarchy in Provincial Governments, and our proposals to end it by the grant of full responsible government in the provinces,

is no argument against its introduction in the Central Government, if its only consequence, and that an immediate consequence, is the grant of complete responsibility in the near future. After all, all politics are a matter of compromise. Possibly, too, the scheme may be so framed as to reduce the drawbacks of Dyarchy to their minimum. Temporary inconveniences can well be endured while under the hope of obtaining full responsible government in the near future.

The alternative suggested by Mr. Gwynn, to abolish the present constitution of the Assembly, to fill up that body with members nominated by the Provincial Ministers, is unthinkable. It will, undoubtedly be a retrograde step and will cause immense dissatisfaction and disaffection, the consequence of which cannot be easily foreseen now. We have already drawn attention to the observation of Mr. Brand that political institutions, once brought into existence have a tendency to refuse to disappear. Mr. Gwynn's proposal will create, if pressed, a tremendous agitation in India. It involves the breach of a great constitutional principle. As pointed out by Mr. A. B. Keith, in his "Responsible Government in the Dominions," it was decided in the famous case of *Campbell vs. Hall* that if representative institutions were granted by the Crown to a conquered or ceded colony, the grant was irrevocable unless the right of revocation was expressly reserved in the instrument by which the grant was made. No doubt, the Indian constitution with its representative institutions was not granted by the Crown alone, but by the Parliament. But no distinction, in principle, can be made between the two kinds of grants. Representative institutions in India were established, not for the first time by the Government of India Act of 1919, but by very early Acts. Sec. 84-A of the 1919 Act providing for an inquiry into the working of the system of Government reserves no such right to revoke representative institutions in India, whereas some such power is reserved to restrict the degree of responsible Government, introduced by that Act into Provincial Governments. No doubt, the all-powerful sovereignty of the British Parliament to make and unmake anything is undoubted, but political consequences will not be overlooked in attempting to make any such catastrophic changes. An Act of 1774 revoked the representative system of Government granted to Quebec in 1763, and entrusted the legislative power to the Governor and a nominee council. Not only was this repealed in 1791, but also the representative institutions had to be perfected, and full responsible government had to be granted, as time went on. The whole history of His Majesty's Oversea Dominions is a history of Military or Executive Governments, developing into representative governments, and later on into responsible governments, and then into federal governments, and finally into practically autonomous governments.

#### THE INDIAN GOVERNMENT.

Assuming then that responsibility will be introduced into Central Government, we venture to place the following scheme of reforms in the Central Government for consideration of the Royal Commission, and in doing so, we may at once admit that we are not unaware of its defects; nor are we unconscious of its incompleteness. It is a suggestion—a bare suggestion.

The system of the Indian Government shall be Federal.

All the subjects that are now Central Subjects shall remain as Federal Subjects, power being reserved for the Federal Legislature to effect any transfer, if found desirable, later on.

There are two alternatives for the introduction of responsible government. The first is, that responsibility be almost fully introduced forthwith in the Federal Government, making a reservation so far as the first four Federal Subjects (mentioned in the Schedule I, attached to the Devolution Rules)

are concerned. The reservation shall be to the effect, that the Governor-General, as representing the Crown, shall determine the organization and administration of the said four subjects, and that the Legislature shall not interfere with the expenditure or policy regarding those subjects. This suggestion is based on the analogy of the Japanese Constitution, Article XII of which runs "The Emperor determines the organization and peace standing of the Army and Navy," while Art. LXVII runs "those already fixed expenditures based on the Constitution upon the powers appertaining to the Emperor, and such expenditure as may have arisen by the effect of law and that appertain to the legal obligation of the Government, shall neither be rejected, nor reduced by the Imperial Diet without the concurrence of the Government." The subjects of Defence, External Relations, Native States, and Political Charges being thus reserved, the objections ordinarily raised against the grant of responsible government are fairly removed, while the Indians can have no reasonable complaint, as they will not be much worse off than the Japanese nation. No doubt, in Japan only Defence is so reserved, but then there is no question of Native States in that country; and External Affairs and Political Charges are intimately connected with the subject of Defence. If it can be said that there is no Dyarchy in Japan, the exclusion of the above subjects from the control of the Indian Legislature cannot make our constitution Dyarchical.

If the above scheme be not acceptable, then the other alternative is practically Dyarchical. Federal subjects shall be divided into ministerial and non-ministerial subjects, and the following subjects shall be treated as non-ministerial subjects, that is, as matters of Imperial concern, and shall not, for the present, be entrusted to the Ministers.

1. (a) Defence of India and all matters connected with His Majesty's Naval, Military, and Air Forces in India, or with His Majesty's Indian Marine Service, with any other force raised in India, other than Military and armed police wholly maintained by Local Governments.

(b) Naval and Military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India.

3. Relation with States in India.

4. Political Charges.

5. Communications to the extent described under the following heads, namely:—

(a) railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (d) of Part II of this Schedule;

(b) aircraft and all matters connected therewith;

(c) inland waterways, to an extent to be declared by rule made by the Governor-General in Council or by or under legislation by the Indian Legislature.

6. Shipping and Navigation, including shipping and navigation on inland waterways in so far as declared to be a central subject in accordance with entry 5 (c).

7. Lighthouses (including their approaches), beacons, lightships, and buoys.

8. Port quarantine and marine hospitals.

9. Ports declared to be major ports by rule made by the Governor-General in Council or by or under legislation by the Indian Legislature.

10. (12) Currency and coinage.

11. (32) Public Debt of India.

12. (21) Control of cultivation and manufacture of opium, and sale of opium for export.

13. (30) Criminal law, including criminal procedure.

14. (31) Central police organization.

15. (32) Control of arms and ammunition.

16. (34) Ecclesiastical administration, including European cemeteries.

17. (40) All-India Services.

18. (43) Regulation of ceremonial titles, orders, precedence and civil uniform.

19. (45) The Public Service Commission.

All other Federal (Central) Subjects shall be Ministerial Subjects, subject to the control of the Ministry, just as Transferred Subjects are in the Provinces, under the present constitution. The above division of the subjects is by no means claimed to be the best. A better division can be obtained if a committee of officials and non-officials, presided over by one of the members of the Royal Commission, goes into the question and submits its recommendations to the Commission. Another committee, similarly constituted, shall go into the question of reducing the drawbacks of Dyarchy, in the light of experience gained in the provinces.

There shall be a Privy Council to advise the Governor-General in the Government of India, and the members of the Council shall be chosen, appointed, and summoned by the Governor-General and sworn as Privy Councillors, and shall hold office during his pleasure. The Executive Councillors and the Ministers shall be ex-officio members of the Privy Council. Besides these the Governor-General may choose and summon ex-Ministers, and other well-known men that have rendered public service, and swear them as Additional Privy Councillors. These also shall hold office during the Governor-General's pleasure, but shall receive no salary. When the Governor-General in Council is given powers under the Constitution, he shall act on the advice of the Council; he shall not override his Council and still claim to be acting as Governor-General in Council. He shall not act without advice, though he can always refuse to act. He shall not be bound always to summon the Ministers, and the Additional Privy Councillors for all meetings of the Privy Council. If he feels the need, he can, at any time, increase the strength of the Privy Council by adding Additional members to that body.

The portfolio system shall continue, and the portfolios of the subjects which are not entrusted to the Ministers shall be given to the Executive Councillors, half of whom shall be Indians and the other half Europeans.

No qualifications shall be fixed for the Executive Councillors.

The number of the Executive Councillors shall be such as the Governor-General thinks fit to appoint. The officer commanding, for the time being, His Majesty's Indian forces shall be an ex-officio Councillor.

The Governor-General alone shall not exercise any power conferred by the Constitution on the Governor-General in Council.

The Governor-General and the Executive Councillors shall be responsible to the Secretary of State and the British Parliament for the administration of the Subjects not entrusted to the Ministers. The Secretary of State may, subject to the provisions of the Indian Constitution, superintend, direct and control all acts, operations and concerns which relate to such Subjects. He shall have no such right in matters connected with the Subjects entrusted to the Ministers.

The Indian Ministry shall consist of a Prime Minister and not less than three other Ministers of State. The Prime Minister shall be appointed by the Governor-General and the other Ministers shall be chosen by the Prime Minister and approved by the Governor-General. In appointing Ministers, regard must be had, as far as possible, for the representation of the three Presidencies and Burma. No Minister shall hold office for a longer period than six months, unless he is an elected member of one of the Houses of the Indian Legislature.

All the Central Subjects scheduled as Ministerial Subjects shall be entrusted to the Ministers, and so far as the administration of those subjects is concerned, the Ministry shall have the same powers, and shall be bound by the same conventions, as are recognised, enjoined and followed in all countries where responsible government prevails.

The Ministers shall be responsible to the House of

Representatives, and such responsibility shall be collective. The Ministers shall not be controlled in any way by the Secretary of State for India. The Governor-General shall not undo any action taken legally by the Ministers, though he can obtain another Minister to cancel the act of his predecessor.

#### THE INDIAN LEGISLATURE.

The Constitution of India must follow the example of the Constitution of Canada and Australia, in adapting to its institutions the legal theory of the composition of Parliament. The Parliament of India shall consist of the King-Emperor, a Council of State, and a House of Representatives. The theory of Indian Government shall regard that government resides in the King, and that the Legislative and Executive Acts are Acts of the Crown. The form of enactment shall be, "Be it enacted by the King-Emperor's Most Excellent Majesty, the Council of State and the House of Representatives of India." In the exercise of his discretion as to assenting to or withholding his assent from Bills, the Governor-General shall regard his duty as an officer of the Imperial Government.

The Bicameral System shall continue.

The Indian Legislature should be given powers to alter the Indian Constitution, within certain limits, and subject to the requirements as to reservation and laying of Bills before Parliament. Measures which create or alter electoral divisions, franchise and similar questions shall be exempted from the requirement affecting the reservation of Bills.

An effort should be made to distinguish between classes of legislation as of Imperial or of Indian interests. The power of the Governor-General shall be limited in the latter class of measures. He will, of course, have the general power of withholding assent in all cases, but in Acts which concern Indian interests only, he should be guided by the advice of his Ministers and should rarely use his powers of veto. As regards measures of Imperial interests, he can exercise his powers to assent, to refuse to assent, or to reserve for the consideration of the Crown subject to the Royal Instructions. In these cases, even disallowance by the Crown after the Governor-General's assent may be provided for.

#### THE HOUSE OF REPRESENTATIVES.

1. The more populous House shall be called the House of Representatives.

2. It shall consist of twice its present number of members, and shall wholly be elected, suitable constituencies being found for minorities and Depressed Classes.

3. Universal suffrage is not advocated, for the present, but proper qualifications of electors should be reduced, more especially for the Depressed Classes and some minority communities.

4. Separate electorates should continue so far as the European, Moslem, Sikh, Indian Christian, and Depressed Classes communities are concerned. Proportional Representation, on the system of single transferable vote, shall be established for the other constituencies. Reservation of seats should be provided for non-Brahmins of the province of Madras and for those of Maharashtra in the Bombay Presidency.

5. Illiteracy should not be a disqualification.

6. The present disqualifications may continue, but to them must be added, being President of a District Board or Government Contractor. But conviction for a political offence not involving moral turpitude or violence or disturbance of peace should not be a bar. The five-year rule should be abrogated.

7. Women's suffrage should be allowed on the same qualifications as required for men. But the minimum age should be 30 in the case of women, while men can vote at the age of 21.

8. All those whose wage-earning capacity is assessed at Rs 30 per mensem shall be eligible to vote.

9. All military pensioners will be entitled to vote, in whatever rank they might have served,

#### THE COUNCIL OF STATES.

1. The Upper House may be called the *Council of States*.

2. All the nine provinces should have equal representation on the Council of States. The minor provinces will be entitled to representation proportionate to their population and their importance.

3. The Native States, if they are willing to join, should be represented in the Council of States by 16 members. The Native States may be divided into eight groups, each sending two representatives. One member from each group shall be nominated by the States forming that group, while the other member shall be elected by the people of the States forming that group, a property qualification determining the electorate.

The members of the Council of States representing the Native States shall have no vote except on matters affecting the Native States, but they shall be entitled to speak on any subject that may be brought forward before the Council of States. The travelling and other expenses of these members shall be borne by the States concerned.

4. The proportion between the elected and the nominated members may be the same as at present.

5. The total number of members shall be half that of the House of Representatives.

6. The franchise shall be the same as at present, as also the disqualifications.

7. The present system of proportional representation shall be retained.

8. The system of postal voting shall be abolished.

#### THE RELATIONS BETWEEN THE TWO HOUSES.

1. The distribution of powers between the two Houses should be clearly defined, and similar to that suggested by us for the Provinces.

2. The power of initiation of Money Bills shall, of course, lie solely in the House of Representatives, and the Council of States may not amend Bills imposing taxation or appropriating revenues or monies for the ordinary annual services of the Government. Nor shall it have any power to amend any Bill so as to increase any proposed charge or burden on the people. But, the Council of States shall be at liberty, at any stage, to return to the House of Representatives any Bill which it may not amend, requesting by message the omission or amendment of any items or provisions therein, and the House of Representatives may, if it thinks fit, make any such omissions or amendment with or without modifications. Except as limited above, the Council of States shall have equal power with the House of Representatives in respect of all Bills. Laws imposing taxation shall deal only with taxation, and any other provision contained therein shall be of no effect. Tacking should be prohibited.

3. Specific provisions should be contained in the constitution to prevent deadlocks especially in financial matters.

4. If the House of Representatives rejects, or amends unacceptably, any Finance Bill, which the Upper House is prepared to accept, the Lower House shall be dissolved, when the rejection or amendment is not made on the merits but on political grounds. But, if the new House of Representatives also rejects the Finance Bill, the Government must accept that decision, except where the money is required for the administration of the first four subjects in the list of Federal subjects.

#### POWERS OF THE GOVERNOR GENERAL.

1. The power of legislation by certification must go.

2. The power of granting demands for appropriation shall be limited to the expenditure needed for the administration of the first four subjects in the list of Federal subjects.

3. The power of ordinance-making shall be limited to cases in which His Majesty in Council can pass Ordinances in Great Britain.



4. Reservation and disallowance are, no doubt, legitimate, but such powers ought to be defined and confined to the narrowest limits. The grounds on which the disallowance can be made shall be defined, and the subjects which require reservation shall be specified. Generally, the power of disallowance, or reservation, should be confined to cases of *ultra vires* of the Indian or Provincial legislatures, and should not be allowed in cases where hardship, irregularity, injustice, or interference with the vested rights or contracts are brought forward. Where a proposed legislation is contrary to natural justice, or is confiscatory or *ex post-facto*, it may be reserved.

#### THE SERVICES.

The question of the security of the All-India Services will be sufficiently met by giving an appeal to the Secretary of State against dismissal, as was done in Natal in 1891. In other respects, the Services must be placed under the entire control and direction of the Central and Provincial Governments and Legislatures in India. Of course, provision will be made for pension, in the case of those who do not wish to serve India any longer owing to conscientious objections. If, however, the new constitution is confronted with more serious problems, concerning the Services, a Commission similar to the Lee Commission might be appointed, and decisions taken on the report of that Commission.

#### DEFENCE.

All the military, naval and air forces stationed in India, on her frontiers or in her waters, and paid for by India, shall be called His Majesty's Indian Forces. The Command-in-Chief of all these forces shall be vested in the Governor-General, as the King's representative, and he shall have control of all such forces. His Majesty's Indian forces shall not be liable for service outside India and her waters, except on the orders of the Governor-General in Council. In view of the peaceful times through which India is passing, and the international movement for reduction of armaments, the time has arrived when a serious attempt should be made to reduce expenditure on standing armies, whose purpose may be served by a National Militia, Territorial Forces, and Volunteer Corps. A system of compulsory training should be introduced to enable Indians to be prepared to defend their country in case of foreign aggression. The whole subject, however, is entirely technical, and laymen like ourselves can only throw out suggestions. But, from a political and constitutional aspect, we may be permitted to urge that the status of India, in controlling her own forces, and in rendering assistance to the other parts of the Empire, or in receiving help from them, shall be equal, as far as possible, to that of the self-governing Dominions. The history of the relations between the Home Government on the one hand and the Colonial Governments on the other, is replete with instances in which the Colonies were constantly urging on the Home Government to continue to undertake the responsibility of their Naval and Military Defences, to bear the cost thereof and to exercise the necessary control, while England was often urging upon the Colonies that the latter should undertake the responsibility of their own defence, bear the cost themselves and enjoy the right to control their own forces. India, having long borne the entire cost of her defence forces, naturally expects that the same generosity should be extended to her, in the matter of organizing and controlling her own forces.

#### III

#### A FEDERAL INDIA.

We are strongly in favour of a Federal system of Government for India. The question has been raised whether the seeds of federalism have not been sown already in the constitution of this country. We will revert to this question a little later. Meanwhile,

there can be no doubt that the present constitution of India, as contained in the Government of India Act, is unitary. But, almost singularly, India has a Central Legislature consisting of two Houses—the Assembly and the Council of State—and it also has Local Legislative Councils in nine Provinces. This is a somewhat unique Constitution, not found in any Unitary State, except, perhaps, the South African Union. The Local Governments in India are subordinate to the Central Government. The Acts passed by Local Legislatures must receive the assent of the Governor-General to become law. The Indian Legislature can pass laws for the benefit of a single province, though this is rarely done. It can also pass laws for the provinces, in subjects which are, under the Act, Provincial Subjects, as distinguished from Central Subjects. The Mussulman Waqf Act, 1923, is an instance in point. It can also amend or repeal any Act that had been passed by a Local Legislature. It will thus be seen that, though there are two different Legislatures, one for All-India and another for each of the nine provinces, the Constitution of India is unitary. The complete subordination of the Provincial Governments to the Indian Government also negatives the theory of India being a Federation in embryo. The double Legislature is, no doubt, due to historical accident, and probably also due to considerations of convenience raised by the vastness of the country and the immensity of the population. But, it cannot be said with certainty that a federal conception, to be realised and matured, in the near or distant future, was altogether absent from the minds of British statesmen, who were responsible for the various constitutions that were given to India from time to time.

The federal idea was fostered in India by historical reasons. From the time British connection began with this country right up to the Regulating Act of 1773, the three Presidencies of Madras, Bombay and Bengal were independent of each other, and were in the same position as the Canadian Colonies, the Australian States, and the American States were before their federations were formed and before they had their Federal Governments. For a hundred and fifty years, no doubt, we have had a central and unitary Government, but we wish to get back to the old position of separate autonomous provinces subject, of course, to the condition of partnership in a Federation.

Again, independent powers, of legislation or passing Regulations and Ordinances were originally enjoyed by the Governor-in-Council both in Bombay and in Madras, for nearly two centuries now (since the Letters Patent of 1726). This power was, no doubt, abolished in 1833 (by the Charter Act of that year), but was restored in 1861 by the Indian Councils Act of that year. Since then, the provinces were having their own Legislative Councils and passing their own laws. It will be almost impossible now to induce the provinces to agree to an abolition of their Councils, which abolition alone will be the logical position for a perfect Unitary State.

When the Government of India Bill, 1858, reached the stage of second reading, Bright made a speech which was significant. "I would propose," he said, "that instead of a Governor-General and an Indian Empire, we should have neither the one nor the other. I would propose that we should have Presidencies and not an Empire." "I would propose that the Government of every Presidency should correspond with the Secretary of State in England . . . I would have the army divided, each Presidency having its own army."

There is, perhaps, not much in the name "Council of State" given to the Upper House of the Indian Legislature. This body does not contain an equal number of elected members from each of the Provinces, a common and most necessary feature in Federal Constitutions. There are, however, passages in the Montford Report which clearly indicate the presence, in the minds of the famous authors, of a conception of a federal system of government for



India in the future. In Chapter X of the Report dealing with Native States, they observe in para. 300 "We know that the States cannot be unaffected by constitutional developments in adjoining provinces . . . We feel the need for caution in this matter . . . Looking ahead to the future, we can picture India to ourselves only as presenting the external semblance of some form of 'Federation.' The provinces will ultimately become self-governing units, held together by the Central Government which deals solely with matters of common concern to all of them. But the matters common to the British Provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways, and posts and telegraphs. The gradual concentration of the Government of India upon such matters will, therefore, make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the Central Government, if they wish to do so. But, though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developments of the future."

Even more important is the suggestion involved in para. 5 of the Preamble to the Government of India Act, 1919, which runs, "Whereas concurrently with the gradual development of self-governing institutions in the provinces of India, it is expedient to give to those provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." Sir Frederick Whyte, in his "India a Federation," considers that the above paragraph in the Preamble is an answer to those who say that India is not at present a Federal State. He does not say that it is a full answer, but he does say "the raw material for the creation of a Federal Constitution already exists and the first step towards it was taken by Parliament . . . in the fifth para. of the Preamble to the Government of India Act." He adds, "the next step in the solution of the Indian constitutional problem will bring us face to face with those very questions which the makers of Federal Constitutions in Germany, in Switzerland, in the British Dominions, and, above all, in the United States of America, had to answer." In another place he observes, "a country so variously composed as India, and already divided into provincial areas which it would be difficult, if not impossible, to abolish, is an appropriate region for a Federal Constitution, and, from whatever standpoint we approach it, requires a constitution expressly made in the form of a special Statute."

Provincial legislation in India has occasionally taken a turn which is singularly, if unintentionally, consistent with federal systems of government. In February, 1926, was passed in the Assembly a resolution "to move the Secretary of State to disallow the Burma Expulsion of Offenders Act or in the alternative to take immediate steps to introduce a Bill in the Indian Legislature to repeal the same." That Act was passed by the Burma Legislative Council in September, 1925, to enable the Government of the province to deport, from Burma, non-Burmans convicted in Burma of certain offences. The Act itself was similar to the Gondas Act of Calcutta. The argument against it was that one province should not undertake legislation harmful to another. It was likened to an anti-Asiatic legislation in South Africa. The resolution in the Assembly was carried by 69 votes to 33. But the Act itself is not yet repealed. It was passed after Burma was brought within the provisions of the Government of India Act of 1919. If, as was apprehended, the Act was designed to exclude a certain class of Madrasces, and if a province could exercise such a right, it looks as if Burma acted somewhat like a State in a Federal country. For instance, under the exception to Art. 45 of the Swiss Constitution, it is open to a canton

to refuse admission to, or to expel any Swiss national who is not a native of that particular canton, and who, in consequence of a penal conviction, is not entitled to civil rights, or who permanently comes upon the charge of public charity. The question of expulsion on account of poverty is understandable, on the principle accepted in England by the Poor Relief Act, 1572 (14 Eliz. C. 5. Cl. 17). But the Burma Act does not refer to the question of poverty. Nor does it confine itself to penal convictions which disentitle the convict to civil rights. The Burma Law, therefore, seems to be even in excess of the Swiss Law. Such a law, passed by a provincial legislature, seems, theoretically speaking, to be *ultra vires* in a unitary constitution. The very fact that one province can legislate for itself, and that to the detriment of another is proof positive of the absence of the unitary system. It is admissible in the States of a Federal country, where the States retain a portion of the sovereign power. Mr. Jinnah and Pandit Motilal Nehru urged, in the discussion on the aforesaid motion in the Assembly, that one province cannot undertake legislation, if not harmful to, at least affecting another province. Lala Lajpat Rai pointed out that such a power in any province strikes at the very root of the principle of nationality. Sir A. Muddiman's reply relied on the Joint Parliamentary Committee, who said, "when the Provincial Government and the Provincial Legislature are in agreement, normally speaking, they should have their way." The recommendation of the Joint Committee is more in accord with the federal principle than with the unitary one.

It will, perhaps, be convenient in this connection to meet the theoretical objections sometimes raised in this country against Federation. The authority of Professor Dicey is often invoked. In the introduction to his "Law of the Constitution," he is decidedly in favour of a unitary type of government, as against a federal form. Amongst the evil consequences he mentions, "If one state of a federation greatly exceed in its numbers and in its resources the power of each of the other states, and still more if such dominant partner, to use a current expression, greatly exceed the whole of the other Confederated States in population and in wealth, the confederacy will be threatened with two dangers. The dominant partner may exercise an authority almost inconsistent with federal equality. But, on the other hand, the other States, if they should possess under the constitution rights equal to the rights or political power left to the dominant partner, may easily combine to increase unduly the burdens, in the way of taxation or otherwise, imposed upon the one most powerful state."

Dicey also thinks that "Federalism again would mean, in any country where English ideas prevail, the predominance of legalism or, in other words, a general willingness to yield to the authority of the law courts." He further observes, "Federation, lastly, creates divided allegiance. This is the most serious and the most inevitable of the weaknesses attaching to a form of government under which loyalty to a citizen's Native State may conflict with his loyalty to the whole Federated Nation." It may not be difficult to find effective answers to this criticism. Suffice it to say, however, Dicey's introduction to his "Law of the Constitution," from which the above quotations are extracted, was written in 1914, when the war clouds were gathering, and when a vigorous campaign for an Imperial Federation of Great Britain and her Dominions was in full swing. The issue between Imperial Federation and Imperial Co-operation was fought out even after his death. The "Round Table Magazine," and "The Problem of Commonwealth," by Mr. Lionel Curtis, promulgated the doctrine of an "Imperial Super-State," to achieve what is called an "organic union." Not until the Imperial Conference passed the famous constitution resolution of 1917 was the question of Imperial Federation set at rest. The share of Professor Dicey in achieving that result was by no

means insignificant, though his untimely death cut off one of the strongest exponents of Imperial Co-operation. His remarks, in the aforesaid introduction, underrating Federal Governments, though couched in very general language, were intended mainly to apply only to the proposed Imperial Federation or the Commonwealth of English-speaking nations under the British Crown. They can have no application to such Governments as those of the United States of America or of Canada, and it is respectfully submitted, to any future constitution of India.

One other objection raised by Professor Dicey is that a Federal Government is a weak form of Government. This may seem to be quite correct on first impressions. One, however, cannot be so sure. English writers are apt to believe that because their own Government is strong, and because their form of Government is unitary, therefore the strength must be due to the form of that government. One wonders whether the same thing can be said of France. For more than a century the history of France did not disclose the strength of her governmental institutions, despite her heroic fights for freedom and independence. The strength of the Italian government is sometimes mentioned as a proof of the unitary type of government. But, perhaps, Italy's strength to-day is not so much in her governmental institutions as in the one man she has produced, Signor Mussolini. The previous history of Italy does not impress one that there is anything in Italy's institutions that contribute to her strength. On the other hand, what about the United States of America? To-day it must be acknowledged as the richest country in the world, and its government is one of the strongest governments in the world. It is true that Hamilton, also, thought that a Unitary Government would be stronger and more efficient than a Federal Government. That was a century and a half ago. What has experience shown? Are the United States weak to-day? Does any American dream of converting the government of the United States of America into a Unitary Government?

In our own country, a much respected ex-President of the Indian National Congress laboured hard to convince that body, when it met at Madras in December last, that a Federal Constitution was undesirable and even dangerous for India. His arguments sum up the case for a Unitary Constitution for this country, and are consequently worth examining. He starts by saying that Federalism is a new device, and quotes Professor W. J. Ashley, who said that "No precedent existed for the type of Government which the United States Constitution set up." That is true so far as that type goes. But it is historically wrong to suggest that "Federation" itself is a new device. Federalism is at least as old as the Federal Unions that were formed among certain of the City States of ancient Greece.

Then we are told, a Federal Constitution admits of no conventions. That this is not correct can be asserted on the authority of Prof. Dicey, himself, who says, "The conventional element in the Constitution of the United States is far larger than most Englishmen suppose. See on this subject Wilson's 'Congressional Government' and Bryce, 'American Commonwealth' Chs. 34 and 35. It may be asserted without much exaggeration that the conventional element in the constitution of the United States is now as large as in the English Constitution."

Another objection raised against Federal Constitutions is, that it is inconsistent with responsible government. Canada and Australia have answered this objection. It was raised in both those countries before Federations were formed there, and to-day they are not only working quite successfully, but have even worked their way to real autonomy.

Yet another objection put forward is that a Federal Government is more expensive than a unitary government. This is no doubt true, but cost does not really count in constitution-making. Nor will the cost be so unbearably heavy as it is feared.

We are also told that the vastness of our country is a point in favour of a Unitary Government, especially for the purpose of defence. But, perhaps, the very vastness of the country is one of the strongest reasons for a federation of the Provinces. So wide is the diversity and so deep is the cleavage between province and province, in religion, in language, in race and in social and economic conditions that it is impossible to conceive how any highly centralised Unitary Government can be efficiently carried on in this great country without breaking down. Such a government will not be able to serve the subjects of distant provinces, nor will the central legislative body be in a position to cope with the enormous legislative duties dealing with conflicting interests. By the mere weight of the immensity of its own work will the machinery of both the Executive and Legislature break down to pieces within a few years. No Central Government at Delhi under the Moghul Emperors was ever able to keep an effective control over all the provinces, and when the Moghul Power betrayed signs of weakness, the provincial Satraps lost no time in setting up independent or quasi-independent kingdoms. No prudent statesman or far-seeing constitution-maker should lose sight of this possible contingency. It happened before and it may happen at any time in future. History has a tendency to repeat itself. In a central Government, too, there is the danger of a reversion to autocracy, so much dreaded by the fathers of the American Constitution. A powerful Minister or Peshwa, or a Napoleon or a Sivaji might yet arise with ambitions for a throne and a Unitary Government will be an easier prey to him than a Federal Government. Such ambitions are not easy of realisation in a Federal country where also there is not much possibility for Provincial Satraps to make themselves masters and rulers of their States. Democracy is undoubtedly safer under a federal than under a unitary constitution.

There is yet another danger in a unitary form of government, so far as India is concerned. Those that are familiar with the working of the Indian National Congress will remember the apprehensions entertained by Madras, Central Provinces, the United Provinces, and the Punjab, at the beginning of this century regarding the autocratic control of that popular body, at one time by Bengal, and at another by Bombay. If the leading spirits of a particular province get the upper hand in a central unitary government, the desire of that ring of politicians to rule over the other provinces becomes almost irresistible. It will naturally cause irritation and suspicion in other provinces and the smooth working of the machinery of Government will be greatly impeded.

The objection, that the existence of a large number of Native States is a stumbling-block in the path of a Federation, is absolutely untenable. It has already been pointed out that, according to Mr. Montagu and Lord Chelmsford, the solution of the problem of the unification of India lies in the working out of a system in which the Native States can be brought into line with the provinces of this country. In fact, the strongest reason for a federal system of constitution for India lies in the existence of these Native States. It is no use telling the hereditary rulers of these States that they must be prepared to be content with occupying the position of Provincial Governors. They have rights of their own. You cannot take away those rights. They are created, sanctioned and recognised by treaties. You cannot treat these treaties as scraps of paper. They are solemn pledges of the Suzerain. The Princes will be justified in drawing the sword to protect them. Their consent is essential for any form of union that you may desire. They have fiscal rights. They are independent of British India. They owe no allegiance to you, the people of British India. They owe no allegiance to each other. They owe allegiance only to His Britannic Majesty. They are exactly in the same position as the American States were before the Declaration of Independence. They are

exactly in the same condition as the Colonies, the Canadian Provinces, or Australian States were before federation. These Indian Native States, too, are in varying degrees of civilisation and culture. Their languages are different. Their religion is not the same. Their economic conditions vary. Even the personal law, under which their subjects are governed, is different in different states. Now it is impossible that in the midst of free India, there could be six hundred or more such Native States, scattered over the whole area, equally free and independent of each other and of British India, without danger of constant conflict. It is impossible to expect that the Indian States will acknowledge subordination to the Central Indian Government, and reduce themselves to the position of provinces. On the other hand, if a Federation can be formed, there will be a possibility of inducing the States to join the Federation, while retaining their autonomy for a long time to come. At first, they will be unwilling to join the Federation. But, as time goes on, and as they watch the working of the Federation, the States cannot remain unaffected by the constitutional developments rapidly progressing in the adjoining provinces. Democracy, too, will find its way into the States, however furtively and slowly it may be. Then will the States find it desirable, in their own interests, to make common cause with the adjoining provinces and acquire a longing for becoming real and effective partners in the great Commonwealth of India. But, as hinted in the above lines, it is clearly a matter for the States to choose. It is for them to decide whether they will join the federation or not. Unless and until the people and the rulers of the States desire to join the Federation, it is not for British India or for her politicians to ask the Native States to become her partners. But, as long as India remains a country with a highly centralized form of government, so long will the Native States find it impossible to seek union with her, for union then can only mean subordination. Only a federation and that the Australian type, not the Canadian, can solve the problem of the Native States. Otherwise, constant warfare and strife will be the only consequence.

The history of the financial relations between the Government of India and the Provinces affords another important reason why India needs Federation. The treatment which Madras and the United Provinces received for nearly a century, at the hands of the Government of India, in being made milch-cows of India, and the fact that Bengal, Bombay and Burma were fed at the expense of the other provinces are matters of history. The controversy, now happily no more, over what was known as "The Iniquitous Impost," that is, over the contributions which the provinces had to pay to the Central Government, during the first six or seven years of the introduction of the Reforms of 1919, furnishes another argument pointing to the necessity of complete Provincial Autonomy and of a Federal system of Government. After the Reforms have put an end to the system of divided heads, there is, no doubt, a sort of financial autonomy enjoyed by the provinces at present. To-day, it is true, the revenues of the province are kept separate and are not mixed up with the central revenues. But, the theory is still the old one. All revenues are Indian revenues and are vested in His Majesty. The Accountant General, in the Provincial headquarters, is an Officer of the Government of India, and the cash balances in one province are allowed to be utilised in another province. But, apart from

practical difficulties will always be arising so long as Provincial Autonomy is not developed and provinces are subject to the control of a Central Government. In a highly centralised government, it is impossible for the provinces to refuse calls for payment from above, even in ordinary years. No province can be sure of its own resources nor can it expect the absolute use of its own revenues collected, perhaps with great difficulty, and used with the greatest economy. It cannot treat such revenues as its own

and any inducement to economise will be taken away, if the province is constantly reminded that its revenues are not its own, but that the Central Government can take them away at any moment and under any pretext. It is unnecessary to dilate upon the disadvantages of such a system. If the provinces are to prosper, if they are to expand their revenues and utilise them for nation-building purposes, such as education, sanitation, public health, irrigation, and other works of public utility, they must be in a position to call their revenues their own, so that the economies effected in one branch may supply funds for the development of other branches and the surpluses at the end of each year might be brought over to be utilised in the following year or years. Such a position is possible in theory and in practice only under a federal system in which provinces enjoy complete Provincial Autonomy.

One other important circumstance, which makes the need for a federation of provinces absolutely inevitable in India may be mentioned here. There are provinces in which social tyranny, religious oppression and political dominance of a single community over majority communities are intolerably prevalent. Take, for instance, the case of Madras. Here the Non-Brahmins form 87 per cent. of the population, pay 85 per cent. of the taxes, and own the bulk of the property in the country. The Brahmin community, known as the "Monopolist Community," whose population is 3 per cent., whose taxpaying capacity is very little, and whose aggregate property is negligible, for all practical purposes, occupies a position in politics and in the public services which is unknown in the history of the world, save perhaps that of the Magyars in Hungary. The Non-Brahmins complain that they are subjected to a social tyranny, and wish to free themselves from it. The Depressed Classes and the Untouchables form nearly a fifth of the population. There are communities whose very sight is pollution, and in Malabar there is what is known as distance pollution, that is to say, the members of a particular community cannot approach the members of the higher castes and must always keep themselves beyond a certain prescribed distance. Then the influence which the priestcraft exerts over the ignorant masses, over women and over people prone to superstition, is infinitely more than what is said to have been exercised by the Jesuits over the Roman Catholics of the seventeenth century. Every social event is accompanied by a religious ceremony—from the time a soul enters its mother's womb till death takes place, and for three generations afterwards. Marriage and death alike come within the purview of this religious bondage. Even insignificant incidents, such as naming, ear-boring, initiation to the alphabet, and the like, are converted into religious ceremonies. The influence of the priestcraft over the people can be easily understood under such circumstances. These disabilities can be removed and grievances redressed only in an autonomous provincial government, and by a provincial legislature. In the Central Government and in the Central Legislature it is impossible for the representatives of a single province to convince the majority of those present there, who come from different provinces, who may not visualise the depth of the feeling for change or the enormity of the wrong suffered, Federation, and Federation alone, can solve these problems to any extent that may be deemed satisfactory. It is only in an autonomous province that independent action to remedy these evils can be undertaken. Each province will then be at liberty to effect such reforms as are essential for emancipation from social tyranny, religious bondage, and political domination, and for enhancing the happiness of its citizens. The power, control and influence, which a central government is apt to exercise over provincial governments in a unitary form of government, are certainly heavy blocks which bar independent action on the part of provinces.

Having given our reasons why a Federal system of

Government is needed for India, we may be permitted to mention a few salient features of the exact type we want. We have already pointed out that the partnership of the Native States in the Indian Federation is possible only if the Australian system is adopted. That system alone can guarantee the complete autonomy which the Native States would naturally demand. We do not propose to enumerate the details of the constitution of the States and of the Commonwealth and of the relations between the two. That will be the task of those entrusted with the onerous duty of drafting the Bill, and we are sure that they will keep the provisions of the Australian constitution constantly before them. We may, however, be permitted to mention a few important features to which we would like to give prominence.

1. The Federal Government and the States' (Native States as well as provinces) Governments shall in their relations be independent, and not hierarchical. That supervision, control and direction which the Dominion Government exercises over the Provinces in Canada shall not be allowed in India. The respective Governments may owe certain duties to each other, but that is different from subordination or dependence.

2. The State Legislation shall not be subject to the veto of the Federal Executive. The Provincial Governor will assent or refuse to assent, in the name of His Majesty, or reserve for the signification of His Majesty's pleasure, Bills passed by the Provincial Legislatures.

3. The legislative powers of the Federal Parliament shall be exclusive, as also those of the Provincial Legislatures. There may also be concurrent powers, but in case of conflict, the law of the Commonwealth shall prevail.

4. The legislatures of the States shall have the residuary powers.

5. The functions of the Commonwealth shall be separate from and independent of the functions of the State Governments, but the Commonwealth and the States system shall be regarded as one whole.

6. The subjects owe a double allegiance: the subjects are subjects of the State in whose territory they live and also the subjects of the Federal Government.

7. When any dispute arises as to where a certain power lies, whether in the Commonwealth Government or in the States Government, it shall be decided by the courts, which can determine the validity of the authority under which acts are done, save the authority of the Imperial Parliament.

### THE JUDICATURE.

There shall be a Supreme Court for India, which shall exercise functions similar to those of the Federal Supreme Court of Australia (called "The High Court of Australia"). Its constitution and powers shall be, as nearly as possible, similar to those of the Federal Supreme Court in that country. All the courts, now existing in the provinces (States of India) whether they be High Courts, Chief Courts, or Judicial Commissioner's Courts, or the courts subordinate thereto, shall be deemed to be courts of the State in which they are located. The Indian Legislature may also establish, besides the Supreme Court of India, other Federal Courts anywhere in India, and it may also invest the existing courts, hereafter to be called the State Courts, with Federal jurisdiction. The right of appeal to the King in Council from Indian Courts shall be on the lines prescribed in the Australian Constitution, and also the right of appeal from the State Courts to the Supreme Court. The Judges of the Supreme Court shall be appointed by His Majesty and be liable to be removed by His Majesty on an address from both Houses of the Indian Legislature. The other Federal judges shall be appointed and be liable to be removed likewise by the Governor-General. The original jurisdiction of the Supreme Court shall be

similar to that of the Supreme Court of Australia. The power to define the jurisdiction of the Supreme Court and the other Federal Courts shall rest with the Indian Legislature. The Indian Legislature may also make laws conferring rights to proceed against the Government of India or of a State (Province), in respect of matters within the limits of the judicial power.

### IV

#### DECLARATION OF FUNDAMENTAL RIGHTS.

The following fundamental rights shall be embodied in the Constitution:—

1. Personal freedom is inviolable. No restraint or deprivation of personal liberty by the public power is admissible, unless authorised by law.

2. Persons in custody are to be informed, within twenty-four hours of their arrest, by what authority and upon what grounds they were ordered to be deprived of their liberty, and they must at once be given an opportunity to raise objections against such deprivation. A writ of Habeas Corpus shall be available for all such persons, every Sessions Judge (besides the High Courts) being invested with authority to issue such a writ.

3. The dwelling of each person is inviolable, and shall not be forcibly entered into or upon, except in accordance with law.

4. Freedom of conscience is guaranteed.

5. The free practice and profession of religion is guaranteed, subject to public order and morality.

6. The right of free expression of opinion is guaranteed, when not opposed to public morality.

7. The right to assemble peaceably is guaranteed.

8. The right to free elementary education is guaranteed. School attendance is compulsory for boys and girls till the age of 12.

9. All the citizens of India are equal before the law, and no penal law, substantive or procedural, shall be of a discriminating nature.

10. No one shall be tried save in due course of law, and extraordinary courts shall not be established, save only such military tribunals as may be authorised by law for dealing with military offenders against military law.

11. Save in time of war, or army rebellion, and for acts committed in such time, the jurisdiction of military tribunals shall not be extended to or exercised over the civil population.

12. No person shall be criminally charged without a jury, save for minor offences by summary courts, and for military offences by Military Courts.

13. The secrecy of correspondence, as well as the secrecy of postal, telegraphic and telephonic communication is inviolable. Exceptions may be admitted by federal law only.

14. Freedom to combine for the protection and betterment of their conditions of labour, and their economic position generally is guaranteed to workmen. All agreements and measures which tend to restrict or abrogate that freedom are contrary to law.

15. No State Legislature shall make any law taking or giving power to deport any subject of any other State in India, or to withhold admission into the State.

16. The union of the executive and the judicial functions is inadmissible.

17. Every citizen of India is guaranteed the free use of all public roads, public tanks, public wells, public schools, and other public resorts.

18. Free admission to every public Hindu temple is guaranteed to every Hindu.

19. Protection against untouchability is guaranteed. It is for the State Legislature to enact such provisions as may be necessary to give effect to this right.

20. Communal representation in Public Services is guaranteed, provided qualified applicants are available. No one community shall be allowed to monopolise any particular Service.

22 February, 1929.] CONSTITUTIONALISTS (SOUTHERN INDIA LIBERAL FEDERATION).

We do not think that we need assign any reasons for these fundamental rights being incorporated in the constitution that is to be given to India. As Mr. Moore observes in his "Commonwealth of Australia," a constitution or instrument of government in the modern sense, consists of, among others, "an enumeration of rights of the citizens or classes of citizens against the government, which may vary from the enunciation of a few general principles, which are rather counsels of perfection than practical restraints, to the most minute provisions on all sorts of matters rigorously binding the organs of government." The first sixteen of the fundamental rights, we have asked for above, are to be found in many, if not almost all, modern constitutions. It may, perhaps, be contended that the remaining four rights are not rights against the State, but only against certain communities, and that such rights cannot be treated as fundamental rights. Our answer is that fundamental right are not in recent times confined to rights against the State, but are extended to rights against sections of society. For this position we may be permitted to cite the authority of Mr. Oppenheimer who, in his book "The Constitution of the German Republic" observes, that "Whilst the fundamental rights of the traditional order are all individualistic in character, and are rights against the State, the Weimar Constitution had added an entirely new type, social in scope and availing not against the State, but against certain social groups. For, as was stated in the National Assembly, the citizen must be secured by protection, not only against the State, but also against other social powers, sometimes more formidable than the State itself."

Most of the fundamental rights mentioned in Sch. V. of Part II of the Appendix attached to the Constitution of the German Federation of 1919 may be contended to have been directed against Capitalism, and for the protection of Labour. But a perusal of Art. 130 in the same Appendix will disclose that provision is made for protection against a bureaucracy which in pre-war Germany was feared as an *imperium in imperio*. If in modern Germany provision could be made in the Constitution itself for fundamental rights, for the protection of labourers against capitalists, and for the protection of citizens against the bureaucracy, as distinguished from the State, there can be no reasonable objection for provisions being made for safeguarding the natural rights of the Oppressed and Depressed Classes in India. We feel that a heavy setback is being wrought against the development of nationality in this great land of ours by the indignities to which a certain class of Indian nationals is being daily subjected, and by the selfishness and clannishness of a certain monopolist class, who wish to have all the power and influence in their own hands to the detriment of majorities, thus striking at the very root of democracy. If India is to be a real nation, and if that nation is to be a self-respecting nation with a certain amount of solidarity, so very essential for a self-supporting self-government, the last four fundamental rights, mentioned above, require recognition and enforcement. They are, no doubt, rights against a section of society, and are not rights against the State. But they are rights essential to the very existence of a stable democratic State.

## MADRAS.

22nd February, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE AND OF THE MADRAS PROVINCIAL COMMITTEE.

(IN THE ABSENCE OF THE CHAIRMAN, LORD BURNHAM TOOK THE CHAIR).

## Deputation from the Constitutionalists (Southern India Liberal Federation).

The deputation consisted of :—

Rao Bahadur Dr. C. NATESA MUDALIAR, L.M. and S.  
Mr. P. N. MARTHANDAM PILLAI, B.A., B.L., Advocate.  
Mr. A. SIVARAMA MENON, B.A., B.L., Advocate.  
Mr. R. MADANAGOPAL NAIDU, B.A., B.L., Advocate.  
Mr. N. GOPALA MENON, B.A., B.L., Advocate.  
Mr. V. SIVAPRAKASA MUDALIAR, B.A., B.L., Advocate.

1. *The Chairman :* You, Rao Bahadur, are acting as chief spokesman of the deputation ?—(Dr. C. N. Mudaliar) Yes.

2. We all have in our hands the able and explicit Memorandum which you have drawn up, and which was sent to us as long ago as June last. Perhaps, as it is so complete a document, the best thing will be for me to ask you, Rao Bahadur, whether you would

draw our attention to the paragraphs and passages which you think are most important, and generally deal with it yourself ?—On page 203 of our Memorandum we have noted down the points : "I, Complete Provincial Autonomy. II, Introduction of the principle of responsibility in the Central Government. III, A Federal system of Government for India. IV, A declaration of fundamental rights."

3. May I ask on that, with regard to the definition of the words, "provincial autonomy," do you want it to be the correct definition, which is, of course, local independence, or do you want it to be what has become almost an Indian definition, that is to say, local self-government ?—Local independence. We do not want the Central Government to have any control over the Provincial Government.

4. It must be self-government, but it need not necessarily be what you may call popular—I can hardly say democratic government ?—We have got, on page 203 : "By Provincial Autonomy, we only mean freedom for the Government of the provinces

"from the restraints of the Government of India, or the Secretary of State or the British Parliament. We want provinces in India to have governments of their own, uncontrolled and unrestricted from above in all provincial matters—in matters connected with administration, legislation and finance. We want provincial Government in India to enjoy the same freedom which the State Governments in the Commonwealth of Australia enjoy, subject, of course, to this, namely, that provincial Governments shall bear to the Central Government in India, the same relations which the said States' Governments bear towards their Federal Government."

5. Of course, in the case of Australia the different States surrendered their rights for the formation of a Federal Government or Commonwealth?—The Central Government ought to have certain powers, but each province ought to be independent as regards provincial matters.

6. Well, Sir John Simon could deal with it much more effectively from the point of view of constitutional law, but that is not quite so. There are certain subjects on which both the States and the Commonwealth have power to legislate. Immigration is a matter for the Commonwealth, and land settlement is a matter for the States. That is only an example; and it is the same thing to some extent in regard to other matters?—Here, too, there may be some subjects in regard to which the Central Government can legislate and others in regard to which the Provincial Government can legislate.

7. You want the Government of India to be on the lines of the Australian Commonwealth and the Australian States?—Yes.

8. Then will you pursue the matter just as you like? You condemn Dyarchy. Do you wish to say anything on that?—We condemn Dyarchy because it is not working well at all; in fact, the ministers when appointed have practically no power. There is a Legislative Council to which the ministers are responsible; there is the Governor on the other hand, who may disagree with the ministers, and all the ministers need not act collectively. Each minister is independent. The Governor may ask one minister to resign and keep others in office. Then, the Secretaries of the ministers are not under the control of the ministers; they can act independently.

9. As a matter of fact, in Madras the Governor who was in office at the time of the Reforms decided to treat the Government as a unitary Government?—He did his best, but subsequent events took a different course.

10. Has not the precedent set by Lord Willingdon been followed since in this Presidency?—Recently, even when the Legislative Council agreed with the policy of two of the ministers they were made to resign their appointments, and the chief minister alone was kept in office; and then, in 1923, when three ministers were asked to resign, after the lifetime of the Council one of them was kept out, and the two others along with another formed the ministry; so there is no collective responsibility of the ministers. Practically, ministers have no independence. They are responsible to the Council, but they cannot act independently of the Governor, and sometimes they cannot act independently of even their own secretary. That is the condition of the ministers in Madras.

11. In the case you cited they did act independently; that is to say they both resigned?—No, two of them resigned. The chief minister and the other ministers should act collectively. Two ministers resigned and the chief minister remained.

12. Would you like the whole lot to go—to get rid of them in a batch?—Yes. The ministers and the councillors should act together. There are cases in which the ministers succeed, voting with the reserved half and other members while their own party may be defeated.

13. And you think you have got the political situation sufficiently organised to make sure of one party taking the place of another?—The parties in

Madras did work well for at least six years. The party may vote against the ministers; sometimes the party succeeds while the ministers are defeated; sometimes the party is defeated while the ministers succeed; so there is no responsibility here. The ministers, therefore, are not responsible to the Legislative Council.

14. But it is not only that. I understand you make a point that the ministers and the members are not on an equal footing?—The Executive Council members? No.

15. Will you pursue your theme?—The Executive Council members have got more powers. The ministry cannot act independently of the Governor, while the members of the Legislative Council can.

16. Could you refer us to the page and paragraph of your Memorandum?—Paragraphs 1 to 38 are about the same thing—the defects of Dyarchy as it is worked in the Madras Presidency.

17. Will you draw our attention to the special points?—Page 203, paragraph 7: "Under the present system, there need be no unity amongst the ministers themselves, as distinguished from unity with the executive councillors."

18. Yes, I understand that. That is a question of joint responsibility?—Yes. Then, No. 9 on page 204: "There is no need for joint deliberation amongst the ministers themselves. Each minister can have his own policy, and can go on with it, provided, of course, the Governor accepts it, and the Legislative Council does not object to it." Of course, as I say, we have a chief minister in name in Madras, but the ministers are not bound to follow his lead or accept his advice. Then, paragraph 12: "Members of the Executive Council and ministers should not oppose each other by speech or vote; members of the Executive Council should not be required to support, either by speech or vote, proposals of ministers which they do not approve; nor should ministers be required to support by speech or vote proposals of the Executive Council of which they do not approve." There comes the difficulty of ministers voting with the Executive Council, not with the Legislative Council to which they are responsible. We emphasise that there should be joint responsibility, that the whole Cabinet should act as one body.

19. You want a Cabinet system of government in the English fashion?—Yes.

20. You are not thinking of any foreign systems?—No, we are thinking of the English fashion.

21. I see you are against the Governor having the power of certifying Bills?—Yes.

22. That is opposed to the true spirit of democracy, I suppose?—Yes.

23. But that applies equally whether the Government is democratic or not; whether it is democratic or oligarchic?—We want democratic government.

24. Universal franchise?—Not universal franchise. We want the franchise as it is, or it may be widened a little.

25. But that is not democratic at all; that is what I call oligarchic; but I understand you think it should apply, just the same, whatever the basis of the Government?—Yes. Then on page 205, paragraph (d): "The rules enabling secretaries and heads of departments to have access to the Governor behind the back of the ministers have worked to the disadvantage of the latter." The secretaries should be the secretaries of the ministry, of the whole Cabinet.

26. The Governor's position should be that of the Sovereign; that is to say, not to have power, but to have dignity?—Yes. Then, paragraph 27, on page 206 distinguishes between the ministers and the Executive Council members. Ministers are not allowed to have a look at the files of the whole Government, but the Executive Council members are. The Minister's secretary can do it.

27. As a matter of practice they do see them, do they not? I have been told so?—With the permission of the members they can see them, but

the secretaries of the ministers can do it even without such permission.

28. I know the formal points involved, but I was told that in practice ministers did see these files. Ministers in other provinces told us that they did, as a matter of fact, see the files?—It may be so in other provinces, but in paragraph 27 we say that "Under the practice set up in Madras, it is not open to a minister to see any file or Government Order passed in another department without the permission of the member concerned."

The Chairman: Yes, I know that.

Sir A. P. Patro: The question is that both the minister and the executive councillor, if he wants to see the file, has simply to send a note to the secretary, and the secretary will, in the usual course, send the file to him. In the same way with the members. If they want to see a file in transferred matters, they send a note and the file is sent to the member.

The Chairman: It is the same practice as in England.

29. Sir A. P. Patro: That is not an important matter?—We had our information from an examiner. Then, paragraph 29, page 206: "The absence of any real control of a minister over his own secretary has already been referred to."

30 The Chairman: Could you tell us, have there been any large cases of friction between a minister and his secretary and the Governor of Madras: Is this imaginary, or is it real?—It has been felt by the ministers themselves. As we say in paragraph 29 on page 206: "Neither he nor the Legislative Council can effectively control members of All-India Services working under the ministers. The salaries of the Services are non-votable, and sometimes occasions have arisen in many a Legislative Council in India, when members had to move motions for cutting down the pay of the clerks and peons of an officer whose salary is non-votable." Because the salaries are non-votable, the Legislative Council members have had to move as token motions the reduction of the salaries of their clerks and other subordinates.

31. Have those items been restored by the Governor?—Yes.

32. The clerk has not lost his salary?—No, it has been restored by the Governor.

33. Then, as they say in law, the clerk is not damaged?—No.

34. Sir A. P. Patro: If I may explain, there have not been many instances where such action was taken by the Legislature. No doubt, criticism is faced by the fact that sometimes it is non-votable, but there have not been many cases where there has been unpleasantness of that sort?—Is not there any instance of the Governor certifying demands refused by the Council? There was a case where my friend, Sir A. P. Patro, took a leading part, viz., the Russelkonda Saw Mills case.

Sir A. P. Patro: That does not relate, Rao Bahadur, to the matter of services. It was a matter of a new project put forward by the Government, and they thought that industrial enterprise would not be beneficial, and, therefore, the Council negatived the demand, and the Governor thought it would be in the interests of the country and of the people that the enterprise should be begun. Therefore, it is not a case of services.

35. The Chairman: Mr. Bhore has looked it out for me, and it refers to a case where the Governor certified expenditure in respect of the Forest Department. That is the case you are referring to?—Yes. Many resolutions were tabled. After the assurances of the members of the Executive Council and the ministers, those resolutions were withdrawn. For instance, in Madras the pay of judges of the High Court is non-votable, and simply because the equal distribution of appointments to various communities was not given due recognition by the High Court of Madras, resolutions were tabled often to reduce by Rs.100 the demand in the Budget for the salaries of the clerks of the High Court, and it was only after

the member gave a satisfactory explanation and agreed to the principle enunciated the resolutions were withdrawn.

36. The reductions were not carried, I understand?—No. They were not carried.

37. That happens in other legislative bodies, does it not? That is a common feature of legislative bodies?—(Mr. Naidu) The salaries of members of Council being non-votable, a reduction is proposed in the salary of a clerk. It is not pressed to a division, but it gives the opportunity for a discussion on the particular good behaviour or otherwise of the member.

38. These reductions of small amounts in the salaries of petty officials are moved in the Legislative Council because you cannot get at the person you want to get at?—(Dr. C. N. Mudaliar) Yes, that is the point. Then, paragraph 33, on page 206: "The reservation of certain posts in the Transferred Departments to the Indian Civil Service has also caused some inconvenience in some provinces, in that it did not leave enough scope for the minister to make a choice that can be said to be satisfactory. Take, for instance the Co-operative department. The head of that department should be endowed with a large amount of missionary zeal, sufficient acquaintance with prominent men, and the conditions in the rural areas, and a knowledge of and ability to speak the vernacular of the locality. Some I.C.S. officers might be available to fulfil these requirements, but not many. The minister is not empowered, under the constitution, to put in an Indian or even a European who does not belong to the Indian Civil Service when the post is 'listed'."

39. You do not think the I.C.S. officers have been satisfactory in this capacity?—No. Some I.C.S. officers may be satisfactory, but most of them are not. Ministers have not got the power to do as they like in such cases.

40. They are not allowed to go outside the regular Services, and take whom they like?—No. (Mr. Naidu) There is no reflection on the I.C.S. officers. There are certain positions to which people of experience ought to be appointed, but the rules are such that only I.C.S. officers can be appointed to such offices and no power or discretion is given to the ministers.

41. Supposing you got a Public Service Commission at work here, then the minister would still be debarred from making the choice of anybody he might think fit?—As far as we are concerned, we are not for allowing a Public Service Commission to supersede the powers of a minister under the new Reforms.

42. You think it would interfere with the liberty of the individual minister?—Yes. (Dr. C. N. Mudaliar) The Government will dictate a policy to the Public Service Commission, and they will have to follow it. Of course, they are independent of the Government in selection, but the policy would come from the Government.

43. The Government would give directions to the Public Service Commission?—Yes. Then, paragraph 38 on page 207: "The subjects chosen for transfer and those reserved tell their own tale and disclose the plausible difficulties of Dyarchy. All subjects have a bearing upon each other, and it is difficult to dissociate one from another in actual administration. In Madras, the Minister for Agriculture is a minister without Irrigation or Land Revenue, both of which are reserved subjects. He is also Minister of Industries without Labour, Factories, Boilers or Mines, which are all reserved subjects. He is further a Minister for Development without Forests or Electricity, both of which are again reserved subjects. The Minister for Public Works has nothing to do with Irrigation, though the department of Public Works includes Irrigation as well as Civil Works."

44. That is in favour of the transfer of the

departments which cover all these subjects?—Yes. These are the points we want to emphasise.

45. *Sir A. P. Patro* : May I explain it? The point raised by the Rao Bahadur is that the redistribution of the portfolios would be conducive to more efficient work?—No, no, no. All these subjects should become provincial ones. All these subjects should be transferred. Some subjects ought not to be transferred and others reserved. Every subject should be transferred.

46. Full responsible Government?—Provincial autonomy.

47. *Major Atlee* : This document is an illustration of the confusion between provincial autonomy and responsible government in a province. The one relates to the position as between the province and any outside authority, and the other to the constitutional position within the province. I think we ought to get it clear, because a good deal of this, I think, is taken up in a confusion between two terms?—There are two things now; transferred and reserved subjects. We say all will be provincial subjects—no transferred subjects and no reserved subjects.

48. The point is, that is not provincial autonomy; that is responsible government in the province. Provincial autonomy has relation to the position as between the Province and the Central Government?—The Chairman asked us about the defects of Dyarchy. We have been telling that.

49. *The Chairman* : Will you go on?—It is explained on page 207: "There shall be no distinction between reserved and transferred subjects. All shall be provincial subjects, and under the control and direction of the ministers."

50. You want the Governor to come out from Home, I see, and not to be a civil servant, in any case. That applies to other provinces. Here they are always drawn from Home, at least practically?—Yes.

51. That is, you are legislating for other provinces. I mean, this provision about bringing Governors out from Home rather than from the Civil Service hardly applies to the Presidency of Madras?—We want the continuation of the present system. (*Mr. Naidu*) We do not say it is a grievance we want redressed; but we want the present system to continue.

52. But you are thinking of other provinces than your own; you want to benefit other parts of India as well?—Yes.

53. I see you say, on paragraph 3, on page 208, "The Governor . . . should occupy the same position, as nearly as possible, of a constitutional Governor in Australia."—(*Dr. C. N. Mudaliar*) Yes. Then paragraph 7, on page 208: "The Ministry shall consist of the Prime Minister, and not less than five other Ministers. The Governor shall appoint the Prime Minister who shall choose his colleagues with the approval of the Governor." Then, paragraph 9: "There shall be no executive councillors in the sense in which they exist at present. But there shall be two advisers to the Ministry generally chosen from the Civil Service. These two will have a seat in the Cabinet, and also in the legislative bodies, without a vote in either. One of these is to be the Financial Adviser to the Ministers, and the other their Adviser on Law and Order. They will receive the same salary as the Ministers."

54. Would they be able to speak? I see they cannot vote?—They can speak; they can advise.

55. In the Legislative Council?—Yes.

56. Will they have the right of speaking, or will they only speak when called upon?—They will have the right of taking part in the discussion. Then on page 208 we deal with the franchise: "Separate electorates for minorities, such as Moslems, Indian Christians and Europeans shall continue."

57. The present number?—Yes. (*Mr. Naidu*) We say, in paragraph 4: "We are not in favour of universal suffrage, for the present; but the property qualifications of voters may be reduced, and this is

"absolutely necessary in the case of the Depressed Classes, Indian Christians, and the Moslems." That necessarily means that there will be an increase in the number of voters, and we propose that members of the provincial council shall be more numerous than at present.

58. Can you tell us something of your scheme for the representation of the Depressed Classes, because we have heard a good deal of it here?—(*Dr. C. N. Mudaliar*) We are proposing here, in paragraph 2 on page 208: "Separate electorates for Depressed Classes, with separate electoral qualifications, shall be established." As there are not many Depressed Class people who are paying taxes, the franchise should be reduced as much as possible. It may be that voting capacity should be given to anybody who pays any tax.

59. There are ten seats filled by nomination now?—Yes.

60. Do you want ten seats reserved for them? Is it to be by election?—By election. (*Mr. Naidu*) But they will be increased if our proposal about the increase of the number of members of the legislative council is accepted. In that case the number of members who represent the Depressed Classes should be increased to some higher number.

61. I am not quite clear as to the franchise for the Depressed Classes now?—(*Dr. C. N. Mudaliar*) Now, anybody who pays Rs10 can vote, but there are not many Depressed Class people who are paying Rs10 tax; in fact, there are not many of them who pay even Rs2 or Re1 tax. So our suggestion is that all those Depressed Class members who pay any tax should have a vote.

62. Does that cover the local cess for local bodies?—Yes.

63. Have you made any calculation as to the number of Depressed Classes that will form this new electorate?—No, we have not, but we know by experience what it is.

64. Not many?—Not many.

65. But you prefer that system to nomination?—When we want to have this extended legislative council we prefer it, but I would rather leave it to the members of the Depressed Classes to settle it for themselves.

66. Would they do that by a plebiscite or a referendum? How would they settle it?—The representatives of the Depressed Classes may meet and settle it.

67. But you have not got a register up to the present?—I mean the members of the Legislative Council and the Legislative Assembly belonging to the Depressed Classes.

68. *Sir Hari Singh Gour* : But they are not elected by the Depressed Classes?—But there is no other course now, as matters stand, but to take the people who are now on the Legislative Council and the Legislative Assembly and ask them to come to a conclusion; and there are various Associations, and the presidents of those Associations might be called in to give their opinion.

69. *The Chairman* : Then I understand the body that would settle the electorate for the Depressed Classes are members of the Depressed Classes who are in the legislative bodies now, and presidents of Associations?—Yes; various recognised Associations.

70. Associations of any sort?—Depressed Classes Associations.

71. And what about Indian Christians? Would you do that in the same way?—Yes.

72. And Moslems?—Moslems, Indian Christians and Europeans.

73. They would all be on a common principle?—Yes.

74. You want reservation of seats continued to the non-Brahmins?—No. 5 on page 208?—Yes, we want that to continue.

75. Now you come to your interesting suggestions for the relations between the two Houses. Would you like to tell us something about your new Senate?



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[Continued.]

—We do not want to press it so much ; it is only a safeguard.

76. But still, you are in favour, are you not, of a Senate?—Yes, we are in favour of it. If provincial autonomy is given, we want that safeguard.

77. That is to say, if any form of dyarchy is continued, you do not want a Second Chamber?—We want a Second Chamber, but we do not want dyarchy to continue as a mere safeguard.

78. Is there anything else to which you wish to draw attention?—Here in our Presidency we want to draw attention to one thing, communal representation in the public services.

79. What page?—Page 217, No. 20: "Communal representation in public services is guaranteed, provided qualified applicants are available. No one community shall be allowed to monopolise any particular service." That is a most important thing for our province.

80. What proportions?—According to the proportions of the population. Now the conditions existing are not at all desirable. This has been felt not by us only, the present politicians. Even at the time of the East India Company this was felt by the Government itself. Communal representation was embodied in a Standing Order in 1854.

81. That applies to Moslems, of course, as well as to the others?—To everybody.

82. Everybody in proportion to their numbers in the population?—Yes.

83. In the province, of course?—Yes. Will you please refer to page 216: "One other important circumstance, which makes the need for a federation of provinces absolutely inevitable in India, may be mentioned here. There are provinces in which social tyranny, religious oppression and political dominance of a single community over majority communities are intolerably prevalent."

84. I see you say: "The Brahmin community, known as the 'Monopolist Community,' whose population is 3 per cent., whose tax paying capacity is very little, and whose aggregate property is negligible, for all practical purposes, occupies a position in politics and in the public services, which is unknown in the history of the world, save, perhaps, that of the Magyars in Hungary." You also say that the influence of the priestcraft "is infinitely more than what is said to have been exercised by the Jesuits over the Roman Catholics of the seventeenth century."—No one from outside can understand the difficulty about the caste system in India. Our people are so caste-tight and community-tight that there is nothing in common except that they are born in India. So if one community comes into power it is likely that that community will tyrannise over the other communities; so to keep up equality among all the communities, even as long ago as 1854, when the East India Company was here, they passed a Standing Order that all the communities should be represented in the public services.

85. Raja Nawab Ali Khan: If these are your fears, why do you want provincial autonomy at all?—No, no; we want not only provincial autonomy, but Dominion Status for India, provided social and economic conditions are safeguarded. We want the highest status we can get under the British Empire, but with sufficient safeguards for things, social and economic.

86. The Chairman: Mr. Hartshorn wants to clear up one matter in this book on the services, where it is laid down in regard to the services in this Presidency that the proportions in communal terms are to be 40 per cent. non-Brahmins, 20 Muhammadans, 20 Brahmins, 10 Anglo-Indians and Indian Christians and 10 Depressed Classes and others. Mr. Hartshorn wants to know whether that is the proportion you were thinking of?—That is the proportion we want now, but that is more broken than observed.

87. It is honoured more in the breach than in the observance?—Yes. (Mr. Naidu) As an illustration

of what the present position is I may state that amongst the gazetted officers, who are about 1,625 in number, 600 are Brahmins; three per cent. of the population holding so many appointments; so that you will be able to see the disparity of the proportion of appointments between these communities, and so it is that we say that communal representation should be so vouchsafed and so insisted upon that we shall be able to have the interests of the majority communities taken care of. (Dr. C. N. Mudaliar) May I say one word here. The Brahmins form three per cent. of the population, and they hold about thirty-six per cent. of the appointments of gazetted officials (that is, officials drawing salaries ranging from Rs250 to Rs750). Seventy per cent. of the population, non-Brahmins, have got only seventeen per cent. The Depressed Classes are 16 per cent. of the population, and they are nowhere in this grade; and the Muhammadans get less than their proportion, and so with other communities. Even in appointments of Rs100 and above the Brahmins who are three per cent. have fifty per cent.; the non-Brahmins, who form seventy per cent. of the population, have only twenty-eight per cent. of appointments. In the case of the Depressed Classes, it is 0.07 per cent.; they are fifteen per cent. of the population; and then in the lower-paid positions the Brahmins get forty-nine per cent. and the Depressed Classes are getting only 0.2 per cent. of the appointments.

88. Lord Burnham: I take it I may sum up the whole thing you put before us in your own words on page 216 that each province should be at liberty to effect such reforms as are essential for emancipation from social tyranny, religious bondage and political domination?—Yes. I want also to add that we want reservation of seats in the Assembly. Now very few non-Brahmins are able to get elected to the Assembly. Another thing that I want to press upon the Commission is that District Board Presidents ought not to be members of the Legislative Council. That should be a disqualification. Now a Governor calls a chief minister and asks him to appoint other ministers. The minister who becomes the local self-government minister is generally the chief minister, and to him are attached all the District Board Presidents, who become members of the Legislative Council. So, of course, he is sure of seven or eight District Board Presidents who are in the Legislative Council. But then these people are quasi-officials. They are, in fact, executive officers as far as their districts are concerned, and they carry on propaganda work for the ministry. So the will of the people never prevails in the Legislative Council, but it is the will of the District Board Presidents that influences the people. So, among the disqualifications, being a District Board President should be one. If a man is a District Board President he ought not to be elected to the Legislative Council, rather he ought not to be allowed to stand for the Legislative Council. He should resign and get into the Council. That is a very strong point we want to urge. Another is the reservation of seats for the Assembly, and yet another is communal representation in Services according to population, as also reservation of seats in the Legislative Council. Those are the points which we want to impress.

89. Major Atlee: I should like to put a few questions mainly with regard to your idea of provincial autonomy. Just set aside for the moment the question of the constitution of the province. Let us assume that it is a representative unitary Government in the province, and I want to get exactly what your ideas are with regard to provincial autonomy, which I gather you want to be completely free from the control of the Central Government. You say on page 216, that, "there are provinces in which social tyranny, religious oppression and political dominance of a single community over majority communities are intolerably prevalent." There might be equally provinces in which there might be a danger of a majority community tyrannising over

a minority? It is quite possible, is it not, that you might have a majority community tyrannising over a minority?—Quite possible.

90. And you say that if you have provincial autonomy each province will then be at liberty to effect such reforms as are essential for emancipation from social tyranny, religious bondage and political domination?—Yes.

91. Then also equally a majority community might inflict on a minority social tyranny, religious oppression and political dominance?—Yes.

92. It seems to me that these two points you make on page 216 in favour of provincial autonomy are all in favour of having some All-India control, which must be superior to a province to prevent any tyranny of a particular majority of the province?—How would it be possible for All-India people to do it? We want communal representation, but in the Assembly we are not able to put it forward, because other provinces are not able to understand our difficulties.

93. Suppose there are two provinces, A and B, and a particular community is in the majority in province A and a minority in B, and you give provincial autonomy. Suppose that the minority community in province B is being oppressed, as is possible under your provincial autonomy, and in province A you have a dominant majority of the same community. Then is there not the danger of retaliation if they have nothing above them and they are allowed to go their own sweet way for themselves?—(Mr. Naidu) That is why we suggest reservation of seats.

94. But that would not get over the difficulty. If there is a majority you cannot make them a minority. Your whole point is that you want majority rule?—(Dr. C. N. Mudaliar) The majority people will be represented in the Federal Government.

95. Yes, but the Federal Government have no power. You take away all power from the Federal Government. You leave everything to the province and restrict the power of the Central Government?—But we are giving the Central Government power to make laws. At least there should be somebody to move for the minority interests.

96. You are very careful in demarcating the fields of power of the Central Government and the Provincial Government in order that the Central Government shall have no concern with Provincial affairs. That is the whole point. I call your attention to that danger. The next question is with regard to finance. You want the province to have control of its own finance?—Yes.

97. You say nothing as to what power the Central Government is to have with regard to this money. Is it to have power of taxation in the province?—No.

98. Then where does it get its money from?—There are Central subjects, like Posts and Telegraphs, Salt and Railways. All these are Central subjects. They will get money from them.

99. Assuming everything as it is now and you are given complete control over the province, then do you exclude the right of the Central Government to raise any more revenue from the provinces?—Yes.

100. Then where is the Central Government to get more money from if it wanted it?—We will contribute.

101. On page 216 you are very strongly against that. You say: "In a highly centralised government, it is impossible for the provinces to refuse calls for payment from above, even in ordinary years. No province can be sure of its own resources," and so on.—Because we were made to feel it. According to the Meston Settlement our province had to pay Rs 348 lakhs every year to the Central Government.

102. Yes, I know you object to that. But you suggest that you are prepared to make contributions to the Central Government?—Equal contributions. Let it be in proportion to the revenue or something like that. No one province should be unduly penalised, other provinces being allowed to go scot-

free. (Mr. Naidu) We have stated on page 211 the number of subjects which we consider ought to be Central, and if the income from them is not sufficient I suppose every province will contribute.

103. I see on page 212 that you want your provincial legislature to have power to make constitutional changes in matters affecting franchise, electoral divisions and the like. If so, it is an illusory suggestion that your minority is going to be protected in your constitution?—We are providing for the franchise of the minorities. We are asking them to have their own separate electorates.

104. But at the same time you are giving the provincial legislature the power to change it?—We will make sufficient safeguards for them.

105. You not only want provincial autonomy, but you also give the province power to make organic changes?—In the fundamental rights we are insisting on certain guarantees.

106. It seems to me that your fundamental guarantees are quite illusory.—(Mr. Naidu) With sufficient safeguards as in the case of the States Governments in Australia. That is our idea.

107. I think you are aware that the case of recent years in Australia has been a steady encroaching of the Central Government on the autonomy of the provinces because of the difficulty of extreme provincial autonomy. I think that has been the case of late years. Let me call your attention to one other point. I am not quite clear about your proposals on page 212. You suggest for the House of Representatives that "all those whose wage-earning capacity is assessed at Rs 80 per mensem shall be eligible to vote." How do you know that a person's earning capacity is so much?—(Dr. C. N. Mudaliar) The local people will have to find it out. The revenue inspectors are there to find out the wage-earning capacity.

108. It is rather a hypothetical thing?—(Mr. Naidu) At present, for example, in municipalities we have got what is called a profession tax, and the minimum income for a man to be assessed to profession tax is, I think, Rs100 a month. A list of persons liable to such tax is actually being prepared by certain Municipalities. Instead of the tax being Rs100 it should be say Rs30. And somebody will have to find out whether one has that Rs30 qualification.

109. Mr. Hartshorn: We were told yesterday that the income on which the professional tax was paid in the city was Rs30 per month. You now say it is Rs100.—It is Rs100.

110. Major Attlee: The professional tax is only in the town. How are you going to tell about the earning capacity of anybody else? Are you going to have a poll tax?—(Dr. C. N. Mudaliar) No. There are the revenue inspectors going about and they will find out the wage-earning capacity of various people.

111. You are dealing with a very big electorate in a population of 200 millions?—It is the revenue inspectors who find out whether a man has to pay a tax of Rs10 or more or less.

112. I will leave that point. Just one point on reservation of seats. As a matter of practice in Madras non-Brahmins have their quota and more than their quota. So, why do you still want reservation of seats?—We have got our own fears about it. We are in a majority, but yet we have got our fear. Generally the voters are influenced by the officials or by those that are in power. Before the Reforms out of ten legislative council members only one was a non-Brahmin and nine were Brahmins.

113. Major Attlee: That is an old story now.—How we are able to get a majority now is like this. At the time the non-Brahmins stood for the council just after the Montagu-Chelmsford Reforms there was non-co-operation in the country, and Brahmin gentlemen did not to a large extent stand as candidates. And when once the non-Brahmins came into the council and the non-Brahmin ministry was formed these non-Brahmins became powerful. In fact the party which fought for communal re-

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presentation and reservation of seats became powerful, and when it became powerful it had the presidents of District Boards and the nomination on District Boards and everything in their hands. So they were able to keep up the majority.

114. I do not see how a Minister can secure that the Local Boards shall elect a non-Brahmin or Brahmin?—The Local Self-Government Minister has got power over the District Board Members. He has power in the matter of nomination of District Board members. In fact, the party which fought for communal representation had nearly 60 members in the first Council; in the next Council it was reduced to, I believe, 40, although non-Brahmins came in large numbers. Now they have got only 20 members. That shows that in the reservation of seats the people that are of the persuasion of the party which wanted communal representation did not come in, but other non-Brahmins, who are in favour of the other party which opposes communal representation, came into the council.

115. Is your point in fact that the majority of the Members of the Council are returned owing to the influence of the Presidents of Local Boards?—Yes. The Presidents are executive officers. If there is an executive officer separately appointed in the District Boards, then we have no quarrel with the District Board Presidents coming as members of the Legislative Council. As it is, he is the executive officer, and he commands influence.

116. You mean when a Minister comes from a certain party, he takes care to nominate members of his own party?—Yes. Any Minister comes in and he gets the allegiance of the District Board members. The District Board members get attached to that Minister, and then that continues. So it is only the will of the Minister or of the District Board members that prevails, and not the will of the people.

117. Lord Strathcona: It seems to me running through your document that the point on which you lay stress is that Ministers and Members, and Ministers in particular, shall have the power of selection of people in the Services. Do you lay great stress on Ministers having that power?—Yes. If subordinates do not obey, what is the use of Ministers existing?

118. In Great Britain when a Minister takes over a department, he finds the Civil Service in being?—I do not think there are Secretaries in Great Britain who go against the will of the Ministers, or who will go beyond the will of the Ministers. The Ministers there have got absolute power, and so they are obeyed. It is not so here.

119. On page 213 you say that "the question of the security of the All-India Services will be sufficiently met by giving an appeal to the Secretary of State against dismissals," and so forth. Do you think the safeguards you hold out for the Services in that paragraph will be regarded as satisfactory by all the members of the All-India Services?—Yes, we believe so.

120. You realise that the members of the All-India Services are both Indian and English, and that they feel they must have certain safeguards in the matter of security of tenure, etc. Do you think that the provisions given there are ample?—I think so.

121. And then you read out from that paragraph:—"If, however, the new constitution is confronted with more serious problems concerning the Services, a Commission similar to the Lee Commission might be appointed . . ." You think that the working of the Lee Commission Report is not satisfactory?—There we are talking of the conditions that might be brought about under the new Reforms in future. Supposing Provincial Autonomy is given, and if the Lee Commission Report would not adjust itself with the new Reforms, then we say a fresh Commission might be appointed.

122. On pages 213 and 214 you point out very clearly that what you desire to have is a Federation, and then you say that the strongest reason for a Federal system of Constitution for India lies in the

existence of Native States, and that the solution of the problem of the unification of India lies in the working out of a system in which the Native States can be brought into line with the provinces of this country; and then half-way down at page 216 you say: "Then will the States find it desirable in their own interests to make common cause with the adjoining provinces and acquire a longing for becoming real and effective partners in the great Commonwealth of India." Have you any reason to suppose, or do you know at all, that the Native States are prepared or are anxious to come under some Federation?—Of course, if they are anxious, let them come in; it will only strengthen their position if they come into the Federation. The several States will then be brought together. But if they are not willing to come, we have no quarrel with them, but it is better that they come into the Federation, so that there will be one India.

123. On the very first page of your document, you point out that you do not want to make these proposals unless you have unanimity in the people of India, and then you go on to say: "We do wish to follow the precedent set up in the Preamble to the Commonwealth of Australia Constitution Act," wherein we find 'Whereas the people of New South Wales, etc., have agreed to unite' and so forth"; and then you say: "Thus, the Preamble to the Government of India Act, 1920, may begin as 'Whereas the people of the various provinces in British India have agreed to give up the unitary government under which they are hitherto governed' and to unite in one indissoluble Federal Commonwealth," and so forth. You have just been pointing out the great difficulty in India due to the necessity for communal representation in services, etc., which you say is demanded by a large section of the people in India. You have also stated that in your opinion the Native States also would be prepared to come into this Federation. But do you not think that it will be more important for India as a whole to try and get rid of these communal difficulties before you set up anything like the constitution you propose?—These communal difficulties exist all over the world, though not to such an extent as we have. They are in England, and in Ireland (for example, the Ulster difficulty); and in Canada we have got difficulties of the various communities. So we say, with sufficient safeguards to the various communities, let us unite as Indians.

124. You have yourself admitted the existence of these communal difficulties in India, and it seems to me that the more statesmanlike course would be for you to try and get rid of the disruptive elements in India first, and then form a Federation?—It is not possible for all the different elements in India to come together for centuries, because they were in existence for two thousand years and more. Now the only possibility is to have all the highest privileges which the British Empire can give us, and with sufficient safeguards for the various communities, bearing in mind the varied social and economic conditions of our place, we want to have a responsible Government, and we will not wait till these things disappear. The social conditions will never disappear for two hundred years and more, and we cannot wait for such a long time.

125. Then your argument is that it is possible under present conditions to work up to that indissoluble Federation which you want?—It is possible. We are going on with the Government of Madras now. We are satisfying all the communities and we are getting on well. The sort of communal troubles which exists somewhere else in India do not exist in Madras now.

Lord Strathcona: It is a matter of argument, and I do not want to put any more questions about it.

126. Sir Sakaran Nair: I would like you to define yourself. There are no Brahmins amongst you belonging to your Association?—No.

127. There are no Depressed Classes amongst you?—There are.

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128. You represent them also?—Yes.

129. Amongst the non-Brahmins have they any other Association? We have heard of another Association also?—Yes.

130. What is the name of that Association?—The South Indian Liberal Federation.

131. Is that distinct from you?—We are one wing of the South Indian Liberal Federation; they are the other wing.

132. What is the difference between the two politically?—Politically this is the difference. The South Indian Liberal Federation is an institution whose creed was constitutional co-operation with the Government. In a confederation held in July, 1927, it passed a resolution of non-confidence in the Governor and passed another resolution of non-acceptance of office. We are for acceptance of office.

133. That is a great difference?—That is the difference between us. And then, last time when this Commission came, they said they would not co-operate.

134. You are for co-operation, while they are not for co-operation?—Now they are coming in for co-operation.

135. You are for acceptance of office; they are not?—Yes.

136. Which is the most numerous party, your wing or the other?—My party was formed after the elections were over—.

137. That is another thing?—We have the country with us. Although our party was formed after the elections; the next elections will show what we are.

138. You are, then, more numerous?—I think we are the more numerous. All the districts are with us.

139. What are the other chief political Associations in Madras? One is the Non-co-operation Party?—Yes.

140. That consists generally of Brahmins?—Generally of Brahmins, I think.

141. You think? You cannot speak definitely?—Some non-Brahmins are also there.

142. Which is the other political Association?—There is the Liberal League.

143. Who are the prominent members there?—Sir C. P. Ramaswami Ayyar and the Honourable Mr. G. A. Natesan.

144. And they are non-co-operators, too?—They are non-co-operators with this Commission.

145. They are more numerous, or you?—In this Presidency we are certainly far more numerous.

146. Sir Arthur Froom: You feel confident that the system of self-government that you propose for the Madras Presidency would be an unqualified success?—I think so.

147. Do you think that it will be equally successful in Bengal, for instance?—We do not want to speak for that province, but I think circumstances will adjust themselves when provincial autonomy is given to them.

148. You do not care to speak about it?—No.

149. In proposing a form of Government for Madras, are you making any recommendations with regard to the Central Government?—To safeguard our own interests.

150. But then you are not quite sure that full self-government will work well or not in Bengal, or in Assam or in the Central Provinces?—We are suggesting certain things and, if all those things are put together, our idea is it will work well.

151. My point is this, while you are proposing extension of Reforms to those in Madras, you leave the Central Government alone for the time being. Do you think that it will be a reasonable suggestion?—Of course, in certain affairs we want our interests to be safeguarded in the Central Government also, and we are proposing certain things.

152. But your interest there is rather very small?—There are certain things controlled by the Central Government, too, now; for example, Defence,

Stamps, Salt; all those things are in the Central Government.

153. Your opinion is that with these very radical changes you propose in Madras, it would not be at all a gamble which might change the Central Government?—No. We propose only certain things which we think are necessary to safeguard our interest in the Central Government.

154. You do not think that you are making any undue distinction at the same time?—I do not think so.

Sir Arthur Froom: You are putting all your eggs in one basket.

155. Mr. Kikabhai Premchand: On page 264, paragraph 10, you say: "In no civilised country in which the system of responsible Government obtains is a Governor allowed to act against the advice of the Ministers." \* \* \* By this you want to remove the veto of the Governor? Are you aware that the Canadian Governor has the right of veto?—We say he may refuse to act, but he will not act against the advice of his ministers.

156. That means he will have no right of veto?—Vetoing is quite different. He may refuse to act; he may not oppose a minister; the minister says something and the Governor does something else.

157. You will allow veto then.—No.

158. Supposing, as you say at page 266, the minister is given authority to select and appoint his own I.C.S. and I.M.S. officers, will you allow those Service men to appeal direct to the Governor in case of difference of opinion between them and the minister?—No; to the Secretary of State; otherwise what is the use of the minister existing?

159. Lord Burnham: You speak of the development of indigenous medicine. That is your school of medicine, is it not?—There is a school opened now. The old system of medicine is being revived now by the Madras Government.

160. Mr. Kikabhai Premchand: On page 208, paragraph 9, you suggest that there should be two advisers to the ministry generally chosen from the Civil Service in regard to the two subjects of Finance and Law and Order?—Yes, simply as advisers to the Government.

161. Do you think that the ministers themselves will not be able to carry on these subjects?—If Law and Order and Finance were transferred to ministers, the experience gained by these officials will be useful to the ministers for some time.

162. Do you think that any self-respecting I.C.S. man will be prepared to work in the position you are assigning to him?—If he is not willing to work, we do not want him.

163. You are not giving him any vote?—But he is getting his pay for the position he occupies. The experience gained by the I.C.S. officers will be valuable to the ministry. They gain experience in this country and we do not want to let that experience go in vain.

164. What will be the position of those officers if their advice is disregarded by the minister?—I do not think the advice of experienced people like that will be disregarded by the ministry, but they have got a right to do so.

165. On page 208, paragraph 5, you say: "Reservation of seats now allowed to the non-Brahmins in the provinces of Madras and Bombay shall continue." Are you speaking for Bombay also?—No, mostly for Madras; but similar conditions prevail in Bombay too, because in our Federation the Bombay people are also included.

166. Are you aware that a considerable portion of the non-Brahmins in Bombay do not welcome reservation of seats?—Then we do not want to speak for Bombay; let us confine ourselves to Madras.

167. Sir Hari Singh Gour: I wish to ask you a few questions, because there is a great deal more there that I have not been able to understand, and I shall concentrate upon points on which I have not been able to understand you. At page 248, paragraph 12, you say: "We want the residuary powers in the

"provinces." That is a very significant scheme. You want, therefore, a complete system of federation in which the provinces will be independent of the Central Government?—Yes.

168. If you have that system and you find that there is a conflict between the Governor and the members of your Cabinet, what will be the situation? Where is the general referee?—The Cabinet.

169. The Cabinet is the final authority?—Yes.

170. If there are inter-provincial questions, supposing you set up a tariff board against Bombay and Bombay sets up a tariff board against you?—In that case the Central Government.

171. But the residuary powers are in the Government of the province and not in the Central Government. The residuary powers must rest in the Central Government which can control the various Federal Governments. The Central Government will be the ultimate authority. Otherwise you will have independent States like Siam and Cochin-China and Japan. Therefore, would you have the residuary power vested in the Central Government?—Yes.

172. You agree with me there? I am going to the framework of your constitution?—Will you please look to page 217? There we have stated that: "The respective governments may owe certain duties to each other, but that is different from subordination or dependence."

173. That is a pious hope. I am not dealing with pious generalities. I am dealing with hard facts, namely, if there is a difference between a province and province, if there is a conflict between the Governor and Cabinet, if there is a question when the whole machinery of your provincial Government may tumble down, when there is such a serious disturbance as to call in the aid of the central army, or you may pass, for instance, a certain kind of legislation which may so upset the whole province that it may be necessary to maintain law and order by calling in the military; in all these cases you must give the power to the Central Government. The Central Government must be the fountain-head of all residuary power and without that residuary power vested in the Central Government, I cannot conceive of any organisation in the province?—We have stated in clause (3) at page 217: "The legislative powers of the Federal Parliament shall be exclusive, as also those of the provincial legislatures. There may also be concurrent powers, but, in case of conflict, the law of the Commonwealth shall prevail."

174. These are quotations which I am familiar with. Some of them, I know, are from the Australian Commonwealth. Having made the statements as your own I want you to define your scheme *vis-à-vis* the Government of India. We are not concerned with Australia or Canada. We have got our own problems here which are acute. We are the people of India and we have to consider Indian problems?—What applies there may apply here also.

175. It does not?—Why not?

176. Australia has not got the frontier question; Australia has not got the communal question. Australia has not got the cataclysmic disturbances which occur in various parts of India for reasons best known to God. There are no Depressed Classes there; no Hindus, no Brahmins, no non-Brahmins and so on?—We can adopt that with some adjustments.

177. You start on the basis of residuary powers with the provincial Government?—On page 217, paragraph 3, we say that in case of conflict the law of the Commonwealth shall prevail.

178. There must be one supreme authority in all these cases. If you give the residuary powers to the Government of India I can understand your Constitution; otherwise I cannot?—We explain it in paragraph 3 on page 217.

179. You do not. Is it your statement that you would give the residuary powers to the Central Government?—In extraordinary cases, yes.

180. Residuary means that. You exercise them

only after all the powers under the Statute have been exercised. The Central Government would, therefore, be the supreme authority in that sense?—Yes.

181. You agree with that, and your Federation agrees with that?—(Mr. Pillai) We do not. It is possible to define the powers of the Central Legislature and also the powers of the Provincial Legislature, and leave the residuary powers either with the Central Government or the Provincial Government, and we prefer to leave them with the Provincial Government. The supreme authority is one thing and the residuary powers are another. Whenever there is nothing defined you can have the Central Government to exercise its residuary powers. It is possible to define the residuary powers in the Provincial Government.

182. You are dealing with residuary powers in regard to provincial subjects. I am dealing with the residuary powers after you get your provincial autonomy, and I put to your chief spokesman the question—dealing with the wider constitutional problem, namely, in all cases of federation there must be a central authority in whom are vested the final residuary powers?—In that we entirely agree. But the powers not defined in any Act will rest with the Provincial Government.

183. The next point is this. On page 217 you have the declaration of fundamental rights. Is it a fundamental right which is to endure for all time—remembering you are making this constitution for all time—that "communal representation in public Services is guaranteed, provided qualified applicants are available; no one community shall be allowed to monopolise any particular Service"? How can you possibly build up a democratic form of Government—and you have stated more than once that your objective is to establish a form of democracy in your province—if you want to apportion the political and public services according to the claims of the communities? Is the communal claim and the enunciation of those things as a fundamental right consistent with the democratic form of government?—(Dr. C. N. Mudaliar) Yes. For instance, take the Depressed Classes. Six millions of them are in the worst condition possible. Unless we set apart certain appointments for them and give them encouragement, how is it possible for them to come up?

184. But those are only transitory provisions. They are palliatives for a disease which exists, and as soon as the disease ceases to exist, they should not be regarded as fundamental rights?—In our province it appears that they will never cease, or they may cease after fifty or one hundred years.

185. But fundamental rights cannot be changed after fifty years?—Do you expect that communal differences will disappear in India or in Madras? We presume that communities will exist and these things will be there.

186. There is another thing that I have not been able to understand. You are dealing with franchise. You want to establish a democracy. Can you give me an example where the franchise you have mentioned on page 238 is consistent with the broad principle of democracy? You want separate electorates; you want apportionment of public services. You want the balance of power to be kept with this community and that community. You were speaking of the Australian Commonwealth, and other things. Do you know any country in the world where you have known of democracy consistently with the sort of franchise which you have stated here?—My conviction is that there is no country in the world with such compartments of castes and communities as in India, and especially our province.

187. Then the question comes to this: What you are really asking the Conference to give you is not a democratic form of government, but a representative government?—A democratic form of government with safeguards for the various communities.

188. So what you are asking this Conference to

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give you is not a democratic form of government but a representative government?—I do not think democracy will disappear by giving separate electorates.

189. I suppose I have made myself clear. There is a clear and radical distinction between a representative form of government and a democratic form of government, and you want that form of government to be adopted to a country where democratic form of government is an impossibility?—We want modified democracy. I do not want to call it representative. It is modified democracy suited to our conditions here.

190. The whole book, almost *verbatim*, is from the constitution of the Australian Commonwealth, and you have contrasted the Australian Commonwealth with the Canadian constitution, and you have preferred the former. I am only pointing out that analogy does not apply at all here?—We want the Australian constitution to be adopted here, with certain modifications to suit our local conditions here.

191. Another thing I would like to ask you is this. You said that you want two members of the Civil Service to help you in matters of Finance and Law and Order, and their salary will be equivalent to the salary of the ministers. Why should you not have the Finance Member an expert in finance and not necessarily a member of the Civil Service?—The I.C.S. man comes with all the experience he gathers from the lowest to the highest.

192. He is not necessarily a financial expert?—Many of the I.C.S. officers are financial experts.

193. Many of them are not?—We will choose the best among them and we will have the advantage of their experience in India.

194. If you have provincial autonomy, the I.C.S. officers will disappear?—No; we are not interfering with I.C.S. officers at all.

195. It will be an expiring Service?—We are not against their remaining. We are in favour of foreign labour coming to India and giving us their help and advice.

196. *Lord Burnham*: Borrowing foreigners where you can use them most advantageously?—Yes.

197. *Sir Hari Singh Gour*: You have stated that you want the Governor to be drawn from the Public Services in England. You say at present you have got no man in your own province who will fill the post of Governor?—We do not say there is no man. There may be men. But taking the present conditions, communal, social and economic, into consideration, that is our suggestion; not that we have no people here fit to govern us. But the present conditions are such that we will have to wait and see.

198. I want to see whether I have correctly understood your scheme, apart from the fact whether I have been able to see eye to eye with you or not. Your scheme seems to be this. You have first of all at the head of the administration, a Governor. That Governor is not to preside at the meeting of the Cabinet. The responsibility of the Government is to be joint, and the Cabinet must be responsible to the legislature. That is the framework of your local constitution. The question of foreign relations and other excepted subjects will be dealt with by the Central Government, and in all other matters your Government will be paramount within the limits fixed by the Statute? That is your scheme?—Yes.

199. As regards the public Services, you point out on page 206 that "the reservation of certain posts" in the transferred departments to the Indian Civil Service has also caused some inconvenience." You want all members of the public Services to be appointed by the Provincial Government and be answerable to the Provincial Government?—Yes.

200. As regards the High Court, do you want the High Court to remain under the Madras Government or to be centralised?—It must be under the Madras Government.

201. Do you not think that in view of the communal claims and the fact that the High Court is more or less regarded as a representative institution,

it is better that it should be centralised and removed from the stress and storm in the province and placed in a more placid atmosphere?—I want that it should be under us. (*Mr. V. S. Mudaliar*) The subordinate judicial Service in this Presidency under the existing conditions is working satisfactorily, and I do not see why there should be any fear for making the High Court subordinate to the Provincial Government.

202. As regards the secretaries, you have pointed that there are three very serious defects. One is that the Secretary has access to the Governor (pages 205-6). You want to remove that?—(*Dr. C. N. Mudaliar*) Yes.

203. Then you want to abolish certain superfluous posts (page 206, paragraph 32). Tell us what posts you have in mind that you would like to be abolished?—The posts recommended by the Retrenchment Committee.

204. Specify them?—(*Mr. V. S. Mudaliar*) For instance, we want the head of the Co-operative department to be a provincial man.

205. That is not the abolition of superfluous posts; that is the appointment of low paid men?—We simply say that if a Minister finds that there are superfluous posts he should have the power to abolish them.

206. *Sardar Shivdev Singh Uberoi*: I would like you to clear up one point. I would refer you to page 208, paragraph 8, wherein you say that there shall be no executive councillors in the sense in which they exist at present. Then in paragraph 10 you say: "There shall be an executive council to advise the Governor in the government of the province, and the members of the Council shall be chosen and summoned by the Governor and sworn as executive councillors and shall hold office during his pleasure." In paragraph 3 you say that the Governor should act entirely on the advice of his Ministers. How are these two ideas compatible with each other?—(*Dr. C. N. Mudaliar*) The executive councillors will be only advisers; they will be honorary and unpaid.

207. These executive councillors will sit in the Cabinet?—Yes.\*

208. Will they have a vote in the Cabinet?—Yes, they may have a vote.\*

209. Would their number be equal to that of the Ministers, or more or less?—That is a detail for the Governor to decide. The Governor may select any one whom he thinks would be of help to him.

210. So these executive councillors will have a right of vote, and will be appointed by the Governor?—They will be appointed by the Governor, but will have no vote.

211. Supposing their number is more than that of the Ministers, it means that the whole power would go into the hands of the Governor and his honorary unpaid executive councillors?—(*Mr. N. G. Menon*) They are purely advisory; they will have no right of vote.

212. But the chief spokesman of the deputation said a little while ago that they will have a right of vote?—(*Dr. C. N. Mudaliar*) They will be mere advisers.

213. Great stress has been laid on the fact that all the interests in the province should be represented in the Services. I would like to know your idea about the Ministry, whether all interests should be represented in the Ministry?—As far as possible, if people are available.

214. The Chief Minister shall select the other Ministers from each community?—Not necessarily; if he likes he may.

215. *Rao Bahadur Rajah*: With reference to the declaration of fundamental rights you want communal representation in the public Services, and your theory is that the government of the province should be administered by all sections of the people of the

\* The witness changed these answers to "No."  
See also Q. 212.

province, and not by one section only. Is not that so?—Yes.

216. You are afraid that if this is not embodied in the Statute, one section of the people will monopolise, and there will be no chance for other communities?—Yes.

217. You want a democratic form of administration, that is to say, all the communities joining together, and carrying on the administration of the country?—Yes.

218. You are not for further extension of the franchise at present?—No, except in the case of minority communities and the Depressed Classes.

219. So you are for lowering the franchise for Depressed Classes and for minority communities?—Certainly.

220. You are also for giving separate electorates for the Depressed Classes?—Yes.

221. From your experience can you kindly tell me whether the candidates who represent the Madras University in the Legislative Council have specialized themselves in university matters or educational matters?—They have all been valkils.

222. May I ask you whether these Specialists who were supposed to represent the Madras University take part in politics?—Yes.

223. As regards the landholders' constituency, the landholders are allowed to exercise their franchise both in the general constituency and in the special constituency?—Yes.

224. What is your opinion? Do you think that the present system should be continued? That is, that the landholders should have two votes?—They may have votes, but their representation should be confined to the landholders' constituency.

225. *Sir A. P. Patro*: Will you kindly tell me whether the Constitutionalist wing is also called the Justice Party?—Yes. Until you rescind your resolution about non-acceptance of office we differ.

226. Non-acceptance of office was only conditional; it was dependent on certain changes being made in the Government?—Anyhow, the Federation has to rescind its resolution.

227. I will not press the point. You want to exclude the elected presidents of district boards from becoming eligible for membership to the Legislative Council. Would you extend that principle to municipal chairmen, taluk board presidents and union presidents?—No. If in a district board there is an executive officer appointed who does the executive work, then the district board president may come in; if in a municipality there is a president and an executive officer, the municipal president may come in. But if a district board president officiates as an executive officer, I think there is danger then.

228. May I remind you that in the district board the executive work of various departments is being carried on by heads of departments. The engineering work is carried on by the district board engineer, and public health work by the public health officer, the road works by the roads engineer and so on?—Yes, but all these people are under the district board president, who is the executive head.

229. I shall have to correct your knowledge?—I have got enough of knowledge.

230. The district board engineer is a person appointed by the Governor; he is a Provincial Service man?—But he works under the president of the district board.

231. I would leave the point at that. You have suggested a democratic constitution on the Australian basis. Will you explain what you exactly mean in paragraph 10 on page 208?—(*Mr. N. G. Menon*): The executive council is purely advisory, something like the Privy Council. The executive councillors will have no right to vote. Whenever the Governor feels that the advice of ex-ministers and men who have held positions of responsibility in the government on any matter would be valuable he can always summon his executive council. This executive council is purely honorary and unpaid; the

ministers will be ex-officio executive council members. The executive councillors will not carry on the administration of the province; they would merely offer advice to the Governor.

232. Am I correct in understanding you that if responsible government is introduced in the provinces such responsible government should be free to choose its own officers?—Yes.

233. The door against Europeans will not be closed?—Certainly not.

234. As regards reservation of seats in the legislative council, the South Indian Liberal Federation did not ask for reservation of seats before the Joint Parliamentary Committee. They wanted separate electorates and not reservation of seats?—Yes. We wanted separate electorates; in the alternative, reservation of seats.

235. Do the circumstances of this province now justify your asking for reservation of seats?—Certainly.

236. Do you not think it is inconsistent with full responsible government to ask for reservation of seats?—Do you not see the conditions of our province? The conditions of our province were such that we had to send our representatives to England to present our case before the Joint Parliamentary Committee; they fought for it and they got it.

237. With regard to the representation in the Assembly you said that the present system of election from the districts is unsatisfactory. Would you suggest any alternative proposal for proper and adequate representation of this province in the Assembly?—Reservation of seats for non-Brahmins.

238. Supposing reservation is not granted?—That is the best method; in the alternative separate electorate.

239. Do you not think that indirect election can give better and effective representation?—I do not think so.

240. *Khan Bahadur Khalif-ul-lah Sahib*: You just now said that you want reservation of seats for the non-Brahmins. What is it due to? Is it your apprehension that you will not be returned in sufficient numbers?—As it is we are not returned.

241. I am not talking of the Assembly; I am talking of the Provincial Council. Does the experience of the past 10 years confirm the apprehension that you entertained before that period that you might not be returned in sufficient numbers?—I have to repeat what I already said that when the new Legislative Council was formed many of the Brahmins did not stand for election, because they were all non-Co-operators, and so a number of non-Brahmins got in. A non-Brahmin Ministry was formed and the non-Brahmins became powerful. But now they are gradually being reduced. They were 60 in the first council; they became 40, and they are now 20. We lost the Ministry. So we want non-Brahmins who will support communal representation. If reservation is taken away we fear that other communities will come in.

242. *Mr. Siva Rao*: Will you kindly turn to page 203 of your Memorandum wherein you have defined provincial autonomy as being freedom from external restraint. You are not merely advocating in that Memorandum freedom from external restraint, but also full responsibility to the provinces, is it not?—Yes.

243. May I ask you whether the non-Brahmin Federation represents Muhammadans, Christians, and the Depressed Classes?—Yes.

244. Have they not got their own Associations?—They have got, but they are merged in our Federation; we have members of all communities.

245. With regard to the reservation of seats for non-Brahmins, both in the Provincial Legislature and in the Central Legislature, are you aware that the South Indian Liberal Federation have not asked for reservation of seats?—I have not got a copy of their Memorandum.

246. So far as your information goes they have not asked for it?—I do not know.



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[Continued.]

247. You said you ask for separate electorates or, in the alternative, for reservation of seats, because you apprehend that Brahmins would monopolise the whole lot of seats if there were no reservation?—Of course, we say all these things not because we are against any community, but for the elevation of our country. In fact, Brahmins are one of us.

248. One of you, no doubt; but I want to ask you this. You know the results of the elections in 1920, 1923, and 1926, and that they brought in a sufficiently large number of non-Brahmins?—Yes. Even the Brahmins put up non-Brahmins.

249. Much more than the proportion reserved for you. These elections have brought in a very large number of non-Brahmins?—Yes. Those people that were opposed to our getting reservation, they did not come in themselves, but put in non-Brahmins in the field, and so in the Council we have not got non-Brahmins of the persuasion of those people who asked for communal representation, but other non-Brahmins.

250. But they have come in in larger numbers?—Yes; but if this reservation is taken away we will be swamped.

251. I want to ask you whether in the general electorate, both for the provincial Legislative Council and for the Indian Legislative Council, there are about 95 per cent. non-Brahmins according to your calculation, and whether you feel still apprehensive that the non-Brahmins will not be able to get in?—Look at the power the Brahmins hold. All the appointments are with them. If they take it into their heads to see that the electorate votes for them they will succeed.

252. Kindly turn to page 208 of your Memorandum. You want some executive government; the provincial government assisted by some advisory council. Is that your proposal?—Yes.

253. You suggest two advisers to the ministry, generally chosen from the Civil Service?—Yes.

254. Now we have got heads of departments who could be relied upon for giving experienced opinion. So why do you want these advisers, who have no vote? You want to pay them amply, but not to give them a vote?—We want I.C.S. officers of equal status to sit in the Cabinet and give advice.

255. If you want only advice, I am suggesting to you that you could have that advice from the heads of departments who represent the Services?—Heads of departments cannot sit in the Cabinet and discuss questions with other people.

256. Even these honorary unpaid executive councillors will have no vote?—No.

257. You say that communal representation should be reserved as a fundamental right provided qualified candidates are available and that no one community should be allowed to monopolise the Services. Will you be satisfied with a general declaration of policy that adequate representation of communities should be provided, or would you insist on a percentage of reservation; for instance, 20 per cent. to Muhammadans, 20 per cent. to others, and so on? Would you fix a definite proportion?—Yes, a definite proportion should be fixed. It is fixed in the Government Order.

258. You want the percentages fixed according to your population?—Almost according to the population. The majority community does not get so much as it should have. The majority community sacrifices something of its privileges and gives to other communities, according to the Government Order.

259. You have been suggesting that one class of people, namely the Brahmins, has a monopoly of these posts in the several departments of Government. Have you taken care to consider whether that community, known as the monopolist community in Southern India, are educationally more advanced than the other Hindu communities?—Educationally advanced. But where are the opportunities given to the other communities? One community politically, socially and religiously is

strong and was destroying the other communities, and so we are taking advantage of the British Government now to lift ourselves.

260. Could you suggest any reason whatever why the British Government should have overlooked so far the claims of these non-Brahmin Hindu communities if they were otherwise qualified?—The British Government never overlooked. They have been trying their best from 1851 to enforce this The Board's Order was passed in 1854.

261. Then what was the difficulty?—The Government could not succeed. Now a movement has been formed and that movement is advocating the cause of the masses.

262. Is it not the reason that they could not have been educationally qualified persons?—Now, there are non-Brahmin M.A., M.L.'s who have gone to Rangoon to get a Rs30 appointment.

263. With the introduction of provincial autonomy do you not expect that there will be a majority of non-Brahmins returned to the Council?—We cannot be certain.

264. Would you not trust the new reformed Government with the discretion to hold the scales even between one community and another?—What does anybody lose by having reservation? Let there be reservation as a safeguard.

265. You want to introduce a bi-cameral system in the provinces. Do you not find that, as a matter of fact, in the provincial Council every interest almost is represented?—Yes.

266. Then why do you want another Chamber?—We thought it would be a safeguard.

267. You do not press it?—(Mr. N. G. Menon) May I just say a word with regard to bi-cameral legislation. There is a danger sometimes of a majority community trying to trample down a minority community. So if that system is introduced into the province it will be a safeguard against any such legislation. We also say that the Upper Chamber should consist of fifty per cent. nominated members.

268. There is the constitutional veto of the Governor.—We do not want the Governor to exercise the constitutional veto as far as possible.

269. On page 213, Mr. Mudaliar, you recommend that the services should be placed under the entire control and direction of the Central and Provincial Governments and Legislatures in India. You do not want the Secretary of State to continue to recruit for the Provincial Services in India?—(Dr. C. N. Mudaliar) No.

270. In other words you advocate provincialisation of all the Provincial Services?—Yes. Provincialisation is better and more economical, but if experts are wanted we will have to recruit from Great Britain.

271. Mr. Siva Raj: Mr. Natesa Mudaliar, one finds now that there are certain non-official organisations which are working for the improvement of the Depressed Classes?—Yes.

272. But I think it is still necessary that for a long time to come the Government must do a lot to provide social amenities for the Depressed Classes?—Yes.

273. If that is so, would you be satisfied with the present number of their representatives in the Legislative Council? Do you think their number is adequate?—Their number must increase. That is what we said.

274. Now it is not adequate?—No.

275. Would you secure that representation through separate electorates with separate electoral qualifications?—Yes.

276. I find you were not able to give exactly the number of voters who would constitute the separate electorates?—No.

277. I rather thought you suggested the idea of selecting these representatives from certain Associations?—No. The members of the Legislative Council and the members of the Legislative Assembly from the Depressed Classes and the representatives of the various recognised Associations will settle the question among themselves, I said.



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[Continued.]

278. Suppose the future Provincial Government did not safeguard the interests of the Depressed Classes? We have been finding that, in spite of the statutory provision, in the actual working of these provisions real benefit is not conferred on the Depressed Classes. You agree with me there?—Yes.

279. As a matter of fact the machinery is worked by certain people who are affected by caste prejudices. For instance, it is just possible that a sub-assistant surgeon may have a caste prejudice. If he is in charge of a hospital, and there is a Depressed Class patient suffering, say from fever or anything of the kind, he may merely prescribe the medicine without actually touching the man. So you will find in such cases that even in spite of these statutory safeguards, in spite of these declarations, in practice they will not help the Depressed Classes.—If there are statutory safeguards, why not?

280. In actual working?—It may.

281. At some time of stress, supposing it happens that the Provincial Government, whatever its constitution, is against the interests of the Depressed Classes, supposing there is a reaction against social legislation, which authority would you trust for the improvement or safeguarding of the interests of the Depressed Classes?—The Council is there. The Minister wants your vote. Without that he cannot get on. If 15 of you join together he will be defeated. There will be minority communities joining you.

282. I am only providing for certain contingencies which might happen in the future. In that case what safeguards would you provide?—If you want a Depressed Classes Commissioner, let there be a Depressed Classes Commissioner, or somebody to take care of the Depressed Classes.

283. Not amenable to the Provincial Government?—Under the Provincial Government.

284. Not responsible to the Provincial Government?—Why not?

285. You said that the Ministries that have been existing in Madras were supported by various District Board Presidents. Was that the case during the last Ministry of Dr. Subbarayan?—I do not want to name any Ministry. Any Ministry will do that. On principle we do not want a District Board President to be in the Legislative Council.

286. The Opposition contained more District Board Presidents than the Government?—Even a few District Board Presidents on the Government side will be bad.

287. I thought you said that the University representative takes part in party politics?—Yes.

*Mr. Siva Raj:* I merely wanted to draw your attention to the fact that even representatives of the Cambridge and Oxford Universities take political sides.

288. *Kumara Raja of Venkatagiri:* You think it fit to advise the landholders to confine themselves to special electorates?—I have got this difficulty. The Zamindars are very rich people, and with their influence they can alter any constituency. That is the fear we have.

289. What do you mean by saying that they can alter a constituency?—They can influence.

290. Then you place a ban on wealth?—The influence of the zamindars. We have no particular objection. In fact, we have in you an excellent zamindar representing the ratepayers. But we should have a safeguard.

291. Are you aware that in three cases zamindars have been defeated when they stood for election and in only four could they be returned in spite of their wealth and influence?—But there was an attempt to have zamindars as candidates for almost all the districts in the last Ministry.

292. Did that fructify?—No, it did not. But that is the fear we have.

293. *Mr. Thomas:* Would you agree that there should be separate representation by means of separate electorates for Christians?—Certainly.

294. In the present Legislative Council whatever representation there may be for the minority communities, still the Mussulmans and Indian Christians in numbers are much smaller than the non-Brahmin communities?—Yes.

295. In that case would you agree that the members of the Christian and Mussulman electorates may be allowed to vote in the non-Brahmin electorates without the right of contesting such elections?—No.

296. You see that at present the non-Brahmin members are not in touch with the minority communities.—Yes; they are.

297. What I suggest to you is that apart from the separate representation given to the Mussulmans and Indian Christians, would you have any objection to allow the voters of the Mussulman and Indian Christian communities merely to vote in the non-Brahmin elections?—Yes; I have.

298. The corresponding difficulty would be that whereas a minority community cannot influence the result of the election, to divert it from the general sense of the community, in the case of the other the non-communal voters will swamp the communal voters.—I am not for it now.

299. Do you not think there is a difference between Indian Christians and Mussulmans being allowed to vote in general constituencies?—There is some meaning, but I am not prepared to accept it at present.

300. *Diwan Bahadur Reddiyar:* In your statement to the Chairman I understood you to say that district board presidents are likely to be the agents of the Local Self-Government Department?—Yes.

301. Do you know how many District Board Presidents there are in the present Legislative Council?—I do not know. Seven or eight.

302. About a dozen?—Yes.

303. When this Ministry was formed do you know how many district board presidents sat with the Ministers as their party?—About five or six.

304. One only sat with the Ministry. You may take it from me. If that was so would you still consider them as agents for canvassing for the Ministry?—The present Ministry is quite different. Do you not think that the District Board Presidents will attach themselves to the Minister?

305. You know that several motions of no-confidence were brought against the present Ministers?—Yes.

306. And the first of them was moved by a district board president and supported by all the district board presidents except one?—The conditions existing with the present Ministry are quite different, because the district board presidents were yet expecting the previous Ministry to come back into power.

307. They were expecting another Ministry?—The previous Ministry to come into power once more.

308. Again in August, 1927, there was another motion against the Ministry. Even after the Coimbatore resolution almost all the district board presidents voted against the Ministers?—Although the Justice Ministry was lost the, Justice leader was holding the whole power in the Legislative Council. So these presidents were following him.

309. Yours is a non-Brahmin organisation?—Yes.

310. All the district board presidents at present are non-Brahmins?—Yes.

311. Is there any district board president in your organisation at present?—No.

## Memorandum submitted by the United Planters' Association of Southern India.

(INCORPORATED).

### I. INTRODUCTION.

In presenting our Memorandum to the Statutory Commission we have to explain that we are an homogeneous body existing under somewhat unusual circumstances, and we must emphasize that any alteration in our peculiar political position will disrupt our Association in such a manner that we shall not be able to watch and ward our combined interests in the way we have done for the past 36 years.

We are an Association of Planters and we represent Producers of Tea, Coffee, Rubber, Pepper, Cinchona and Cardamoms.

In our constitution we are not an association of Europeans, but practically in effect we are, for the simple reason that Indians in the same walk of life as ourselves have not felt themselves able to follow us in the self-taxation we have imposed in order to develop and protect our industry, though, incidentally, the Indians and the few Europeans who are aloof from our Association have reaped almost full benefits therefrom.

We work and have our domicile under five different Governments but, because we are a body incorporated in Madras, we have had for the past 34 years political representation in the Legislative Council of Port St. George. The effect of this has been that our members living under the Governments of Their Highnesses of Mysore, Travancore and Cochin, as well as in the Province of Coorg, have all been represented in the Legislative Council of Madras. This anomaly cannot be overlooked by the Statutory Commission, but we ask for its continuance for the following reasons.

We have developed some 206, 670 acres of cultivation representing roughly £16,000,000 of Capital, mostly British, and we are steadily developing the 177,000 acres of reserve land that we own. We pay taxes, direct and indirect, to the Government, amounting to many lakhs annually derived from Land Tax, special Income Tax on Tea Companies, employees salaries and house Income Tax, Import Duties and in the case of many of our members a very heavy export tax on Tea. We draw attention to this as we believe that Tea is the most heavily taxed dry land product of India. We employ more than a quarter of a million Indian labourers and staff, practically all of them drawn from the Depressed Classes, and of whom 84 per cent. are recruited in British India. Our self-taxation amounts to about 5 lakhs per annum, exclusive of about 8 lakhs a year which we spend on the medical needs of our employees. If by any chance we became politically separated, the value of our Association as an element of progress both social and productive would be lost to the country. Individually our scattered members are not able to take a close interest in general politics, but from the nature of their work they are brought into the closest touch with that class of our fellow subjects which is completely inarticulate, and we consider that our care for them, our provision of hospitals, medical comforts, schools and creches, unaided by Government, entitle us to claim an insight into their needs better than any other save, perhaps, a district officer's.

### II. GENERAL PRINCIPLES.

We accept the declaration of the 20th August, 1917, as being an obligation binding on the British Government, and are in sympathy with Indian aspirations. Although the results of the opportunities for self-government given by the Government of India Act, 1919, have been disappointing to all parties and classes, we are of the opinion that the inherent defects of Dyarchy are largely the cause of this failure.

We believe that the only way to cure the irresponsibility that has been so marked in Indian Legislative

Councils is by giving responsibility, and we are prepared to give Indian politicians an opportunity of exercising genuine control in the Government of India, if adequate safeguards are provided to protect British interests in India and to prevent chaos in the event of a breakdown in local Government. We therefore recommend the grant of full responsible autonomy to the Province of Madras provided :-

- (a) that the position of the Government of India *vis-à-vis* the Legislative Assembly is strengthened;
- (b) that the Central Government is given powers of intervention in the event of a breakdown in Government in any Province;
- (c) that Second Chambers are set up in the Provinces;
- (d) that a clause is inserted in the new Government of India Act forbidding discrimination against British industry and commerce in Central and Provincial legislation and taxation, and in the taxes and by-laws of the local self-governing bodies (Municipalities, District Boards, etc.), and providing for relief or appeal in the event of discriminatory legislation being passed.

We can make no suggestion as regards other Provinces as it may be held necessary to provide for Provisional constitutions with varying degrees of responsibility, and the recommendations we do make must be distinctly understood as having no special reference to provinces which do not come within the purview of our Association.

We wish to emphasise that the views expressed in this memorandum are particularly applicable to the Provinces of Madras, but, owing to the peculiar formation of the United Planters' Association of Southern India, they must to some extent apply to the Province of Coorg, as well as to the Indian States of Mysore, Travancore, and Cochin, so far as is consistent with the relations between these states and the Paramount Power and with their rights and obligations as fixed by treaty or usage.

### III. PROVINCIAL GOVERNMENTS.

While we recognize the ingenuity of Dyarchy as a temporary expedient for training Indians in the task of self-government, it has now exhausted its possibilities, and has largely failed to achieve its intended purpose, so that, apart from its unpopularity in India, we consider it advisable to abolish it entirely when introducing the new constitution.

Owing to the persistent efforts of a large party in Council to make Dyarchy unworkable, the Governor has been to some extent compelled to adopt a policy of assisting the ministers for the moment in office against the efforts of other elected members of the council to eject them. It has therefore resulted that the Ministers have not been wholly responsible to the elected members of the Legislature, and consequently, in the eyes of many Indians, they have been regarded to some extent as a subsidiary branch of the Bureaucratic Government.

While fully alive to the risk involved in any such policy, we are prepared to recommend the abolition of the Executive Council and the transfer to a Ministry responsible to the Provincial Legislature of all subjects (except the control of the Special Police) now administered by either half of the Government. Official nominated members should be withdrawn, and should be returned to their natural role of Civil Servants. The Ministry should be wholly responsible for carrying on the Government and should neither receive the support nor incur the control of an Executive Council nominated from outside.

The Governor should continue to preside over the

Ministry, and should select his ministers from amongst those members of the Assembly who might be expected to control a majority. If and when the Ministry lost the confidence of the Legislature and was defeated, the Ministry would resign, and the Governor would form a new Ministry, presumably resting on the support of a somewhat different coalition of groups. We do not think that any definite rule can be laid down now as to joint responsibility owing to the existence of a number of small political groups, though it is desirable that a foundation should be laid for the growth of some convention of responsibility.

#### IV. LAW AND ORDER.

Although we sympathise with the apprehension of other European communities should the control of the Police be entrusted to a Minister responsible to the Legislature at the present juncture, and although we recognise that there are many difficulties on both sides of this question, we feel that we cannot be party to a proposal which pretends to give Provincial autonomy but yet would transfer the very basis of autonomy, Law and Order, entirely to the Central Government. Certain legislation conceivably might lead to breaches of the peace, and we consider that those responsible for the passing of such legislation should also be responsible for its ultimate outcome.

But we also hold the view that wherever a Special Police Force has been established for extra security or for a definite reason (for instance the Malabar Special Police because of the frequent armed rebellion of the Moplahs against His Majesty) such forces should be under the direct control and administration of the Central Government.

Should it be for any technical reason, of which we are ignorant, administratively impracticable to place such Special Police Forces under the Central Government, we suggest that their duties might be taken over by the Army.

We must, however, very strongly emphasise our objection to Special Police Forces being controlled by a minister of a Provincial Government.

#### V. PROVINCIAL LEGISLATION.

We do not recommend any drastic changes in the legal powers or composition of Provincial Councils, except the withdrawal of all nominated official members; nor are we prepared to express any opinion upon the franchise, but we object to any general lowering of the present qualifications, and we are very strongly opposed to any standard of education being accepted as a qualification, except in the case of a recognised University Constituency. Extremist views held by the half educated have done a deal of harm to sound progressive Government elsewhere, and without due caution the same fate will fall on India. Actually an illiterate voter with only a small property qualification is the better citizen.

We are, however, strongly in favour of Communal Representation both for minorities and for special constituencies such as our own. Further, though the qualification for the franchise is already too low, a large majority of the people still remain without the power to vote. In the past the interests of these depressed and backward classes may be said to have been represented, and ably represented by the official members of the Council. The proposed exclusion of all official nominees clearly necessitates the extension of the system of nomination in order that the depressed and backward millions may not lose the representation they have now, even though it be indirect. For this purpose we recommend nominations be made to represent these people by members of their own class; for men of good education and ability can be found in every community, and we believe that a man who has won a position in life in spite of the disabilities of birth, is likely to

prove of value and a steadying influence in any Legislature.

In all nomination, the actual representative value of the nominee should be the chief aim in selection, and his nomination should not merely be a matter of expediency, as has been the tendency hitherto owing to the need for additional Government support. Our recommendations, if accepted, will alter this state of affairs, and the pressure of necessity being removed (except, perhaps, in the Central Government) there should be no inducements for nominations to be made from any other considerations than the representative value of the nominee. This will be the better ensured if the power of nomination to both houses of the Provincial Legislature resides in the Governor acting on his own initiative. The difficulties in the way of this procedure should not prove serious with the assistance of a Permanent Patronage Secretary to the Governor.

Although the legal powers of the Councils would not be altered, their political power will be immensely increased when the whole Government is made responsible to them. When the bureaucracy is no longer involved in trying to work the political machine, political feeling will no longer be roused against it, and Indian politics may be expected to take on the wholesome character of rivalry between Indian groups. For the first time members of the Provincial Councils will realise that the responsibility for maintaining Government in office will rest upon themselves alone. Therefore, we recommend that with the grant of full responsibility to the Legislature the powers of certification of the Governor be abolished. These have been inevitable so long as he had a special responsibility to discharge to the Secretary of State, but once the responsibility rests upon the Council we think he will be able to surrender the exceptional powers needed to enable him to discharge his responsibility.

#### VI. SECOND CHAMBERS.

If this very radical reform is carried out, we consider it essential for a Second Chamber of a conservative character to be created to act as a check on the popular House. We do not feel confident to make any detailed suggestions as to the exact powers or composition of this Second Chamber, but we recommend that its composition should be partly by election with substantial property-holding and other high qualifications somewhat on the lines defined for electors to the Council of State, and partly by the nomination of non-officials whose judgment, experience and social positions would make them valuable members of the Legislature.

#### VII. REPRESENTATION IN THE MADRAS LEGISLATURE.

The number of planting interests and individual planters represented by our Association is steadily increasing, largely owing to the yearly extension of further areas being planted up with Tea. Hence the necessity for a continuation of our representation as a minority community in the Madras Council is stronger now than ever before; and, with the possibility of the establishment of a Second Chamber, we feel that our just claim for representation in the Upper House as well should not be overlooked.

#### VIII. PUBLIC SERVICES COMMISSION.

Although we are not in favour of the introduction of Provincial Public Services Commissions, we do consider it necessary to relieve the Ministers of the onerous duty of being responsible for all appointments to and promotions in the Provincial Services. To meet this need we suggest that Provincial Committees be formed to deal with the recruitment and all disciplinary action in the provinces, to which Committee any aggrieved official may appeal. Only the Chairman of this Committee would have a full time appointment, and this post might with advantage be

combined with that of the Permanent Patronage Secretary to the Governor.

The existing Public Services Commission for all India should continue to function as now, at any rate as regards recruitments for the Superior or Imperial Services.

#### IX. INTERVENTION BY THE GOVERNOR-GENERAL.

While desirous of making recommendations of so liberal a character as to meet all legitimate Indian aspirations, we are not blind to the possibility of the new constitution being faced by deliberate opposition or obstruction on the part of some party or coalition in the Council. We therefore consider that provision must be made to meet the danger of a breakdown of Government in any Province, and recommend that the Governor-General-in-Council be given power to intervene in case of necessity and to suspend the constitution, so that the Governor may carry on a day to day administration on his own responsibility subject to the general supervision of the Governor-General-in-Council.

#### X. THE GOVERNORS.

With the abolition of the Provincial Executive Councils, the appointment of suitable Governors becomes a matter for serious consideration. We certainly consider that members of the Indian Civil Service should be eligible, but we would be loath to name one class only for such appointments. We agree that some first-hand knowledge of affairs in India is necessary for a Governor deprived of his official Executive. A man with exceptional qualifications may be found in any walk of life, official or otherwise, and we would like to see any young Briton of birth and education, with a political bent, win his spurs in Indian Politics, and then, perhaps after some useful years of Parliamentary work, find himself a Governor.

#### XI. THE CENTRAL GOVERNMENT.

We are only prepared to favour the grant of Provincial autonomy on condition that the Government of India remains unaltered in composition and that its position *vis-à-vis* the Legislative Assembly be strengthened. The Government of India is required to carry on the administration under difficulties which we believe no other Government in the world is called upon to face, as it has to work through an Assembly in which it is in a permanent minority. We therefore consider it essential that the Government should control an absolute majority in the Central Legislature.

As a further safeguard, we consider that the Viceroy's Executive Council should be predominantly British. We are of the opinion that the Commander-in-Chief's place on the Executive should be taken by a special Military Member, but that he should remain as an extraordinary member of that Council as was the custom in former years. The Commander-in-Chief should have no seat in either the Legislative Assembly or the Council of State.

#### XII. INDIRECT ELECTION.

We believe that the Legislative Assembly would be composed of more reasonable men and would be more truly representative of the country if they were elected by the Provincial Legislatures rather than by primary electors in the constituencies, and we consider that the election of provincial representatives to the Assembly should be made by the two Provincial Houses voting together.

#### XIII. LOCAL SELF-GOVERNING BODIES.

We recommend that the principles of nomination, set forth in Section V. above, be extended in Municipalities and Local Boards, etc., and believe that this would lead to such bodies becoming good schools for administrative and executive work, instead of the political debating societies so many of them are at present, to the detriment of progress and improvement in local needs. The fact that the Government of Madras is now contemplating the abolition of all Taluk Boards, and for District Boards to take over all the functions of the smaller bodies, proves that the latter have generally failed in administration and this, we contend, is mainly due to their constitution not being truly representative of the bulk of the population in rural areas.

#### XIV. STATUTORY SAFEGUARD AGAINST DISCRIMINATORY LEGISLATION.

We are greatly concerned at the tendency shown by the Government of India to introduce legislation discriminating against British producers established in India. For nearly a century planters in Southern India have been steadily bringing into cultivation large areas from undeveloped and unremunerative jungle, and in so doing have provided work and good wages to many thousands of the depressed classes in particular. The bulk of this has been achieved by the investment of British Capital, and by the industry and initiative of British pioneers. We ask for no special favours, but we do claim on grounds of justice and expediency that the Indian Legislatures shall not be in a position to discriminate against British planting and commercial interests so long as Britain does not in any way discriminate against India. Such provision is a familiar clause in commercial treaties between two fully sovereign countries.

We suggest that this safeguard should take the form of a clause inserted in the next Government of India Act which will be an integral part of the statute creating the Indian constitution, and which would compel the Courts to treat as *ultra vires* any measure of a Legislature or local governing body which has the effect of imposing discriminatory legislation or taxation.

We believe that the next step towards making India a Federation of autonomous Provinces and States must necessarily include a Supreme Court to interpret that constitution, and to adjudicate upon the reciprocal rights and obligations of the Central with Provincial Governments and Indian States, and of the Provincial Governments and States *inter se*. Thus the ultimate tribunal in India for interpreting this clause would be the Supreme Court, subject to an appeal lying as of right to H.M. the King in Council. This clause should extend to Acts passed by Central or Provincial Legislatures and to all bye-laws or regulations passed by Local Self-Governing bodies as well.

#### XV. FEDERATION OF INDIA.

We are of the opinion that the social and political developments in India are tending to compel a federation of the whole of India including Indian States, and are convinced that it would be to the advantage of the whole country if some constitution could be agreed upon which would at least make geographical India into one Fiscal Union. Any constitution for British India which from its inception does not take into account and at least provide for the inclusion of the Indian States, must necessarily prove a failure in the effort to lay the foundation of a complete and stable Federation.

22nd February, 1929 (*continued*).

## Deputation from the United Planters' Association of Southern India.

312. *The Chairman (Lord Burnham)*: In this deputation we have (1) Mr. R. Lescher, O.B.E., Chairman, (Spokesman), (2) Mr. F. E. James, O.B.E., M.L.C., Planting Member, and (3) Mr. H. Waddington, Secretary. I have put into my hands a short statement in regard to your Association giving facts and figures forming the basis of your constitution. May I ask you whether the Association was founded as a result of the conference between the different Planters' Associations held at Bangalore in 1893?—*(Mr. Lescher)*: That is so.

313. As everybody has got the statement before them, I will ask you whether there are any particular clauses in it which you would like to emphasise?—No, sir.

314. You think it speaks for itself?—Yes.

315. Are you appearing here as the result of any special resolution passed by your body?—No, except that we are appearing here to answer any questions put to us from our memorandum.

316. You represent both the European and the Indian planters?—We have a few Indians as members.

317. I see that other Indians hold 101,020 acres, but I am not sure whether they form part of your Association?—They are not included.

318. You speak for the European planters practically?—Yes.

319. It is said that the European planters hold a total of 240,167 acres of tea, rubber or coffee, that is 74 per cent. Does that mean that they are all members of your Association?—Yes, they are.

320. You have also stated that: "areas cultivated by Indian proprietors include a very large portion of small gardens the areas of which vary between a few cents, and an acre or two." Would you like to add anything to this statement?—We have nothing to add, sir.

321. *Colonel Lane-Fox*: At page 231 of your memorandum you have agreed to grant full provincial autonomy to the province of Madras on certain conditions. The first is that the position of the Government of India *vis-à-vis* the Legislative Assembly is strengthened. Have you any definite suggestions to make how that is to be strengthened?—I think that we can only suggest that the executive should be strengthened at the expense of the legislature. But exactly how that can be done we are not in a position to suggest in any detail. We have no definite proposals to make as to how it should be done.

322. Then in the same paragraph you say in clause (b): "that the Central Government is given powers of intervention in the event of a breakdown of Government in any province." Again, have you any suggestions to make as to how that should be done assuming that the Governor is there?—We think that the Governor should be given certain powers by the Central Government to enable him to overcome a deadlock and to carry on the administration.

323. You have no scheme by which he should do it?—No.

324. On page 232 you agree to the transfer of Law and Order with the exception of the Special Police. What is your particular reason for that?—The Special Police are practically regular troops to all intents and purposes. I think I am correct in saying that there is only one Special Police Force left in the Presidency and that is in Malabar, and they are primarily to look after the Moplahs and it would be extremely dangerous to remove them.

325. *The Chairman (Lord Burnham)*: Does that include the Criminal Intelligence Department?—No. We do not want to alter their present powers. *(Mr. James)*: I do not think it was the intention of the Association when they drew up this memorandum that the Criminal Intelligence Department should be handed over. I think when they were

considering the question of Police, they were not considering the question of the Criminal Intelligence Department at all. Their particular concern was about the Special Police in the Moplah part of the Presidency. But I think that if we were asked a definite question as to whether the Association would favour the handing over of the Criminal Intelligence Department, our answer would be in the negative. And as for the Special Police, they are police only in name; they are practically regular troops.

326. Why should the Special Police be maintained in a district rather than for the province?—*(Mr. Lescher)*: They do not do the usual police duties; they are only maintained to prevent Moplah outbreaks. *(Mr. James)*: The fear behind this recommendation is possibly that the force as it exists at present is actually necessary for security and should not be cut down in any possible way, and therefore if they were to be handed over to the Provincial Government it might perhaps be reduced on political considerations.

327. You are not confident that the Provincial Government will maintain the force?—*(Mr. James)*: That is the fear in regard to this particular branch of the force.

328. *Lord Strathcona*: At page 232 of your memorandum you have explained why you do not recommend powers of certification to the Governor. And then you go on to say: "If this very radical reform is carried out, we consider it essential for a Second Chamber \* \* \*." These two things taken together, I gather what you mean is, that the power of certification goes provided there is really a satisfactory Second Chamber set up?—*(Mr. Lescher)*: Yes.

329. On the same page lower down you say on the question of Public Services Commission: "Although we are not in favour of the introduction of Provincial Public Services Commissions \* \* \*." And then you go on to say that you favour the formation of provincial committees to deal with recruitment and all disciplinary action in the provinces. I do not see what difference there is?—Expense chiefly.

330. On page 233 you deal with the question of statutory safeguards against discriminatory legislation. Have you anything further to say about that?—We have not.

331. *Sir A. P. Patro*: In regard to indirect election to the Legislative Assembly you say at page 5, paragraph XII: "We believe that the Legislative Assembly would be composed of more reasonable men and would be more truly representative of the country if they were elected by the Provincial Legislatures rather than by primary electors in the constituencies, and we consider that the election of provincial representatives to the Assembly should be made by the two Provincial Houses voting together." Would that strengthen the Central Legislature instead of having direct election?—We think it would.

332. But supposing in the Provincial Legislature they have got a definite section of a party; then naturally men of that party will be elected to the Central Legislature, and that will not strengthen the Central Legislature at all?—*(Mr. James)*: I think the view of the Association was that probably by the method of indirect election the Assembly would be more representative of the provinces than it is now, and the question of strengthening the Central Government is another question altogether.

333. But do you not think it would be more representative if there is direct election? The present constituencies are very unwieldy, and supposing you reduce the size of these electorates for representation to the Legislative Assembly, that would be far more effective and it would bring in

better representatives of the agricultural classes to the Legislative Assembly than the system proposed, namely, election through legislative councils?—That is an alternative I should think. The members of our Association did not, however, consider the question.

334. *Colonel Lane-Fox*: Sir A. P. Patro, how many representatives do you consider would be required for the Legislative Assembly?

*Sir A. P. Patro*: I have suggested in the Memorandum of the Ganjam District People's Association that I do not want to make the whole thing unwieldy. I have suggested that in order to strengthen the Legislative Assembly and to have better form of representation of the real agricultural classes of people, there should be a revised system of election, and I have also suggested that some portion of it may be represented by the Legislative Councils. The other should be by direct election. I do not want to strengthen the Legislative Assembly very much, or make it more than double of what it is. If we have got, say, 200 or 250 members in the Legislative Assembly sent up in accordance with the population of the provinces, then Madras, or Bombay or Bengal will get according to their population a larger number of seats. Then we elect a portion through the Legislative Councils. It may be that the party in power in a Legislative Council may be the moderate party and they will be able to send in representatives who will be able to strengthen the hands of the Central Government in the Assembly. And again, if we have got a better class of representatives than we have now, that will also go to strengthen the hands of the Central Government. That is why I have proposed that there should be both direct and indirect election by reforming the electorates for the Assembly. I agree with this Memorandum that it is very necessary that the Central Legislature should be reformed and strengthened. How best it could be strengthened is a matter which we have been considering. I have given my own views in my Memorandum and we have to work out the details, namely, under the present system we are all agreed that the representatives from this province at least have not been really representing the interest of the people. There is absolutely no connection between what they are doing there and what the people think about it here. So, while you have suggested that there should be representation through the Legislative Council in order to get a better class of representatives who will be in touch with the people, do you not think that there should be direct election also to the Assembly?

*The Witness (Mr. James)*: The Association is prepared to support any other method which is equally efficacious.

335. *Mr. Siva Raj*: At page 233, about discriminatory legislation, would you, for instance consider any legislation affecting the lot of your labouring class discriminatory?—(*Mr. Lescher*) Not necessarily.

336. *Mr. Thomas*: May I know if there is any

Association among the Indian planters corresponding to yours?—(*Mr. Lescher*) No, not that I know of.

337. May I know if the interests of the Indian planters are identical with yours or is there any room for conflict between their interests and your interests?—They are identical.

338. With reference to this question of discriminatory legislation, you know that under the Instrument of Instructions to the Provincial Governors there is a clause which enjoins on them the duty of safeguarding the interests of all communities and sections of the people. Do you think that is a sufficient safeguard for you?—No, I do not.

339. Do you realise that the constitution of a Second Chamber might lead to conflicts and frictions between the two Chambers?—That is quite likely.

340. You know that in the history of England there have been periods in which serious crises were apprehended consequent on friction and difference of opinion between the House of Commons and the House of Lords?—Yes.

341. And it is on account of the good sense of Englishmen and the spirit of compromise that tragic conflicts were avoided?—Yes.

342. *Lord Burnham (from the Chair)*: In your Memorandum in regard to the Governor's powers of certification, you wish them wholly to be abolished. He has got different powers with regard to expenditure and legislation?—We have recommended that on condition there is a Second Chamber.

343. In the Second Chamber you should have equal powers in regard to the money Bills; otherwise that would not cover the Governor's prerogative?—We do contemplate that.

344. In case of emergency, say, at the time of a crisis in this province, do you wish the Governor to be deprived of his power of suspending the constitution?—We suggest that the Governor-General in Council may be given that power.

345. "So that the Governor may carry on a day-to-day administration on his own responsibility "subject to the general supervision of the Governor-General in Council"? You wish to transfer to the Governor-General the powers the Governor has now in that respect?—That is so.

346. That, of course, militates against what is called autonomy?—To that extent it does.

347. You say, lower down, that you wish to see the Viceroy's Executive Council predominantly British. Will you tell me exactly what you mean by that?—In the proportion it is at present, four Europeans and three Indians.

348. I understand that you consider it essential that the Government should control an absolute majority in the Central Legislature?—Yes.

349. And you have no fear for the future of this province under the scheme which you have set out?—No.

350. Is there anything else which you would like to say?—We have nothing more to add.

## Memorandum submitted by the Madras Presidency Oriya Association, Berhampore (Ganjam).

Sir,

I have the honour to forward the Memorandum of Evidence hereto annexed, submitted by the Madras Presidency Oriya Association for favourable consideration of the Indian Statutory Commission.

2. In doing so, pursuant to the instructions issued, I have the honour to state that the Madras Presidency Oriya Association is the only institution of its kind among the Oriyas of the Madras Presidency—its creed being the promotion of the welfare of the Oriya community by strictly peaceful and constitutional means. Both by reason of the largeness of the area which it is intended to serve and the varied nature of the activities which it aims at, it is also the biggest socio-political organization of the Oriyas now extant in Southern India. It has now on its rolls about one thousand Oriyas representing all classes and ranks who have applied for its membership and signed its creed, and it is gaining ground rapidly especially among the people living in rural areas. The Association has also keenly interested itself in the question of constitutional Reforms for India and—I may be permitted to mention—had the privilege of being among the first to extend its greetings to the Indian Statutory Commission. It will be also within your easy recollection that the Association had the honour of receiving the distinguished President and the other members of the Commission at the railway station at Berhampore on 22nd February last on their way from Calcutta to Guntur.

3. I beg to add that owing to shortness of time and the delay that occurred in obtaining certain information and data, the Association could not incorporate in the Memorandum its considered opinion in regard to such vital questions as the functioning of the Local Self-Governing bodies, the growth of Education, Social Progress, the Services and the idea of Federation as applied to India. The Association, however, is applying itself to a consideration of these problems, and, ere long, will be in a position to formulate its views in regard to them. The Association will feel obliged if an opportunity is afforded to it to tender oral evidence in respect of the above questions as also in support of the several points raised in its Memorandum. The Association has elected the undersigned for the purpose, and any communication sent in that behalf may be addressed to Bhuvaneshwar Ruthi, B.A., B.L. Secretary, The Madras Presidency Oriya Association Berhampore (Ganjam Dt.).

4. Any other communications which may be desired to be sent may also kindly be forwarded to the above address.

I have the honour to be, Sir,

Your most obedient servant,

Berhampur, 30-5-1928.

B. S. RUTH.

### THE GOAL.

1. The goal enunciated in the Announcement of August 20, 1917, and subsequently embodied in the Preamble to the Government of India Act, is the only goal that can be aimed at for India's political advance, having regard to the past history of the country and the present day position of its peoples. The other two radically different ideals which have been proposed in regard to India's future polity, namely, a benevolent autocracy on the one hand, and complete self-government with power to break away from the Empire on the other, are equally impracticable, and are fraught with calamitous consequences to India's political future. The reactionary view which prescribes for India an absolute system of government is based on the argument that democracy is inherently unsuitable to a country like India—with its innumerable divisions and sub-

divisions of community and caste. This theory is given the lie direct alike by India's history and actual present-day experience. Democratic ideas and forms of government had attained high degrees of perfection even in India's ancient past, and the abilities and aptitude exhibited by the people of India in carrying on the popular system of Government—so far as has been established under the Reforms—has won admiration and praise from the most competent quarters. Moreover, especially since the World War, there has come over India a tremendous desire for democratic government, and to ignore altogether out of account this Time-Spirit would prove perilous to the peaceful administration of the country and the contentment of the people. The proposal to frame India's constitution as a full-fledged Self-governing Dominion with the constituent power secured to the people in a Declaration of Rights so that they might sever the Imperial connection any day they might choose, is even far more dangerous. The argument that has been advanced in support of this extreme claim is the old sentimental sophistry, namely, that absolute independence is the natural condition of every people and that the effects of dependence, whether perceptible or not, are injurious to its ultimate interests, the fallacies of which reasoning have been long exposed. But the ideal of independence which is urged to be held in view in framing India's polity is not sought to be rejected on the ground of the fallacious logic on which it is based, but because of the dire disasters which would be in store for the country if it were to be adopted. India is a conglomeration of different nationalities with conflicting interests and aspirations which are now held together only because of the existence of the superior British Power which rigorously holds them under common sway and obedience, and which jealously guards and guarantees to each denomination and section its respective rights. The moment that super-imposed restriction is removed, India is sure to split up into petty principalities and tribal states levying war on one another, as was the state of the country on the eve of the British conquest. What is more portentous an evil, is the prospect of a fresh foreign domination of an intolerable type to which India may find herself subjected, if the rigour of the Imperial tie is relaxed as demanded by the radical idealists. The presence of seven hundred Native States scattered all over the country, the deep differences of ideals and aspirations that now divide the Hindus and Mussulmans, the existence of a long corridor of Mussulman States overlooking across the Frontier with pan-Islamic ambitions, the onslaught of the Bolshevik menace that is becoming so increasingly irresistible, the Yellow Peril which has always remained a source of anxiety to India's peace, are all dormant dangers that will burst forth any day and rob India of her honour and prosperity and place her under the thralldom of the foreign invader the moment the protecting arm of Britain is withdrawn. Responsible Government and British connection accordingly appear to be like two wheels to the coach of India's political progress, and the one is essential to the proper functioning of the other. This essential connection between the two must be firmly seized in mind, and every fresh provision made, and every amendment effected, in the existing constitution must be in strict relation to the goal in view. The powers and privileges enjoyed by the Self-Governing Dominions should be fully ensured to India, but if Dominion status has come to connote the liberty to pack out of the Empire component commonwealth at its sweet will and pleasure, such a mischievous possibility should be expressly precluded from the provisions of India's future constitution. Instead "Swaraj within the Empire" should be specifically postulated in the preamble to the Government of India Act which will set at rest vague, indefinite aspirations now entertained on the

one hand, and undue alarm and anxiety felt on the other, and pave the way for the sure and steady march of political progress.

#### A FEW MORE SUCCESSIVE STAGES.

2. If full Responsible Government within the British Empire is the ideal of India's political endeavour, its progressive realisation is the condition of its success. The task is so difficult of achievement and the consequences of any false step so disastrous that if success is to be permanent, the goal cannot be reached by one or two strides at a stretch, as has been often sought to be effected. The immense masses of three hundred and twenty millions of India's peoples are extremely poor who do not get even one square meal a day and a sufficient piece of cloth to cover their nakedness. They are scattered over five lakhs of villages and hamlets separated from one another by distances, thick woods and jungles and unbridged waterways. Being mostly agricultural in occupation they remain tied to the land all round the year, and have little leisure or opportunity to think of anything except the operations of their industry and their petty domestic concerns. About ninety per cent. of them are again illiterate and the vast bulk have no means of knowing anything about what is happening abroad. They are divided and subdivided into a veritable million of communities and castes, there being among them cleavages crosswise again of race, language and religion. They are extremely conservative and most of them possess peculiarly crude customs and manners. They have been accustomed to look up to the Government as the Mabab and generally accept with unquestioning obedience all administrative measures alike—whether good, bad or indifferent. Though during the Hindu period of their history, the people enjoyed democratic forms of Government, seven centuries of Mussulman autocracy has brought about wholly different ideas and associations in their minds and they have now come to regard the Government as something external to themselves, whose interests are opposed to theirs. The reformed mechanism of the Government has been to the vast bulk of them an unmeaning mystery and the vote and the ballot-box an unheard-of innovation. These ten years have been all too little to impress on the people the significance of the vote and its ultimate relation to their own wants and requirements. Owing to the novelty of the experiment and want of experience on the part of the people, elections are now being conducted amidst extremely crude conditions so much so that a deal is detracted from the seriousness of the business. The sacredness of the franchise is not at all realised, and the trust is openly encroached upon. Government officials, landlords, moneylenders, village and caste heads and even religious preceptors and preachers, in spite of election law, all expect that those who are subordinate to them or in any way under their authority or influence, owe it to them, as a matter of courtesy, to exercise their franchise in favour of persons of their nominee. The voters themselves regard this as nothing out of the way, and yield implicitly to the pressure of their respective superiors. They do not care whether they have to cast their vote for X or Y or whether the man for whom they vote succeeded at all, as often they have precious little personal knowledge and dealings with them. They are reluctantly driven to the polling booth—often fed and entertained on the way—and since most of them cannot read or write, or even if they are capable of that feat, cannot mark the vote correctly—they are made to blurt out the name which had been insistently instilled into them so that the polling officer marks for them on the ballot paper. Sometimes where superior influence does not come into play, voting is done as per factions, villages or mostly castes. If the people of one faction voted in favour of one particular candidate, those belonging to the opposite faction invariably vote for his rival. Similarly, with villages and castes are divided

between the candidates. The merits of the respective candidates and the policies and principles, if any, which they represent come in nowhere in this operation. The candidates, who are generally men with English education, are not much above the game either. They stand for no particular set of principles or policy and carry on no propaganda. They hold no meetings, deliver no lectures, distribute no pamphlets, or make no addresses to the electorates through the press. They just tap the sources of influence, and the flow of votes becomes easy. The parties in the legislatures are also formed not on political principles, but on primitive distinctions of caste, community or religion. They have no organisations to speak of, and there are few rules of discipline obtaining among them for the regulation of conduct on the part of their members. Crossing the floor is one of the commonest of occurrences and admittance into a party is no difficult affair at all. Moreover, there is no such thing yet obtaining as a common political understanding among the parties in the country which constitutes the sheet anchor of Parliamentary Government. There is observed no connection between the member and the constituency after the election is once over. Neither the members ever write to or otherwise ascertain the wishes of the electorate on any of the burning questions of the day, nor does the constituency care to keep the member informed about its particular requirements and views. Inasmuch as the vast bulk of the voters are illiterate and ignorant, they are not in a position to know anything of the activities of their representatives in the legislatures. Election pledges—if they are ever made—are violated even the day after the poll is over, either because the member considers a change in the programme and policy necessary in his own individual interests, or out of deference to the command of any external political body—in either case without any reference to the constituency by which the member has been returned. The dismal state of conditions which these facts disclose and which is due largely to the poverty, paucity of education and want of previous training in democratic ways of conducting government on the part of the people cannot be improved all in a day, and the spread of education and political experience among the people and their economic upliftment are processes which require time and patient endeavour for accomplishment. Control from the above cannot, however, be relaxed until and unless there is the agency from below ready and fit to take charge of it, and this, as things are situate, means that progress towards full responsible government within the Empire, though sure, must necessarily be in a few more successive stages.

#### THE PRESENT POSITION.

3. The present constitutional position in India is very largely what was brought into being in the year 1921. No great advance has been made since then, and no important stage of development reached which calls for further Reforms of a radical character in the direction of responsibility. The operation of the Reforms Act of 1919 was inaugurated under the most unfavourable of auspices. Owing to the universal feelings of exasperation and resentment caused by the unfortunate happenings in the Punjab, and the ignominious way in which the atrocious conduct of certain officials had been whitewashed, the Reforms—which in a more normal state of things would have been hailed as a great concession—had failed actually to satisfy Indian Nationalist opinion. The Indian National Congress, which was then far more representative of the country than it is at present—though, even by then, the great Liberals, as a body, had seceded from its fold—had declared them at Amritsar, in 1919, as "inadequate, unsatisfactory and disappointing," but had pledged itself to work them for what they were worth. Subsequent events, however, upset expectations in this regard, and, at the special



session of the Congress in Calcutta in September, 1920, the Non-Co-operation Resolution of Mr. Gandhi was adopted which placed the Reforms under a ban. In the elections held for the Reformed Legislative Councils towards the end of the year, the Non-co-operators did not offer themselves as candidates, though they could not prevent the vast bulk of the voters from participating in the poll. The Liberals were the only organised political party who came returned to the legislatures and had to pilot the Reforms single-handed against heavy odds of popular opprobrium and ridicule. The Non-co-operation policy of the Congress politicians had placed a premium on communal politics and its unhealthy manifestations and effects operated as heavy handicaps for the Liberal Party in the country in the working of the Reforms in the spirit in which they had been intended. Financial disabilities also rendered the pace of progress necessarily slow. India had not yet recouped from the effects of the financial strain to which she had been subjected, in common with the other countries, during the war. The Meston award enjoining on the provinces to contribute to the Central Government a certain quota of their revenues in the shape of fixed sums was a new arrangement to which most Provincial Governments could not easily adjust, partly owing to inexperience and partly due to the increased expenditure which the upkeep of the new machinery necessarily entailed. There were hardly any funds to speak of forthcoming, in the circumstances, which could be released for developing the nation-building departments transferred to the charge of the Ministers. Further, the period between 1921 and 1923 witnessed the height of the Non-co-operation agitation when a general spirit of lawlessness pervaded the country and deliberate defiance of the legally constituted authority was the order of the day. This unprecedented political upheaval in the country necessitated all the resources and energy of the several Governments—both Central and Provincial—in order to discharge their primary obligations—namely the maintenance of law and the preservation of order. Very little attention, indeed, could be spared to be devoted to the political progress of the people amidst these pre-occupations. The second term of the decade which began with the year 1923, was not destined to be much more fruitful in gaining political education and experience on the part of the people. One gratifying feature of the period was that the Swarajists—abandoning the policy of nihilism came into the legislatures in large numbers. But this advantage was more than counterbalanced by the fact that the Liberals had been completely routed at the polls owing to the villifying propaganda which had been systematically carried on against them by their opponents on account of their acceptance of office and entry into the councils during the Non-co-operation Movement. The Swarajists, moreover, came with the policy of offering opposition to the Government from within the Councils, and wrecking the administrative machinery—if possible, by creating constitutional difficulties and deadlocks. It was hardly to be expected that any political education could be achieved under the circumstances. What little chance there might have been for co-operative endeavour in this direction was utterly blasted by the recrudescence of Hindu-Muhammadan squabbles which broke out all over Northern India during the period in thick succession, and engendered much suspicion and ill-feeling between Hindus and Mussulmans generally. In Southern India, where Hindu-Muslim frictions were, as is generally the case, few and far between, disintegration of national effort was effected by the communal rivalries between Brahmins and Non-Brahmins. The third term of the Reformed regime which is now progressing, began in 1927, but it has been fully pre-occupied with discussions about the Statutory Commission—though it has to be stated with satisfaction that a certain amount of peaceful progress in parliamentary government has been recorded in some of the Provinces. Extensive

possibilities, however, lie unexplored within the scope of the Montagu-Chelmsford changes introduced into the Constitution which, if properly utilised, would have helped forward India a great distance on the road to responsible government. Ideas and practices of responsible government would have been widely and intensely diffused among the people and heaps of constitutional precedents piled up which would have justified the demand for a large stride of progress in the direction of responsibility. As it is, in point of political education and experience, India is not much farther than from where she started seven years ago when the Reforms were inaugurated.

#### CHANGES IN IMMEDIATE FUTURE.

4. It has been widely asserted that the conditions of co-operation and the growth of the sense of responsibility on the part of the people which are contemplated in the Preamble to the Government of India Act, have been completely fulfilled, and that the time is fully arrived when the final steps in the process of progressive realisation should be taken and that India should be granted at once the full self-governing status enjoyed by the other Dominions in the Empire. It has been very competently argued with a certain degree of subtlety, in this connection, "that the expression 'successive stages' as used in the second clause of the Preamble, cannot possibly exclude the stages of progress already achieved by India up to the moment when the Act of 1919 was passed, and it would be wholly unwarranted to hold, that for purposes of the realisation of Responsible Government, the first stage must be deemed to have commenced with the passing of the Act of 1919." Whether the clause in question is legally capable of bearing this construction that is sought to be put upon it or not, it certainly seems a little too much to hold that that was what the Parliament had in mind when it laid it down the condition of progress therein embodied, and what is even of greater moment, that the stern political fact about India is that she is not yet in such a position as to render it safe to grant her full Responsible Government in the next instalment. There are among India's politicians men who would compare favourably with the very best in any country in the world, but the vast bulk of India's millions, on whom after all, the success or failure of democratic government must depend, are yet so ill-equipped for the task, that the day when India will have to be asked to take charge of her affairs entirely has to be put off a little yet. The analogy which is often instituted between the state of England when the First Reform Bill was passed and India's present day condition is false and misleading. Though in point of percentage of education the condition of the Indian people might compare favourably with the state of people in England in 1832, England had by then long centuries of Parliamentary Government behind which is wholly lacking in the case of India. The next immediate step in India's constitutional progress accordingly cannot consist in the establishment of the full responsible government in the country. Reform should proceed rather in the direction of relaxing control over certain departments of state activity in the centre and over further others in the Provinces, in removing the defects from the existing machinery as disclosed in its practical working in the past, and what is even of more immediate importance in remedying certain long-felt grievances mostly of an administrative character. With the necessary changes and improvements effected, the existing system will have to be further worked out, its possibilities fully explored, and the dangers that might lie ahead clearly discerned before the last forward move is undertaken.

#### RE-DISTRIBUTION OF PROVINCES ON LINGUISTIC BASIS.

5. One of the reforms immediately needed in the existing constitution is the re-distribution of the

provinces on linguistic basis. The nine major Provincial Governments, and the six minor Administrations into which British India—apart from British Burma—is at present divided, are in the nature of historical accidents, arising out of the exigencies of conquest and annexation rather than territorial divisions devised in pursuance of any plan or principle. The country came under British suzerainty piecemeal, and as each bit was acquired, it was tacked on to the adjacent tract which had already been under occupation and continued to be administered as a part and parcel of the old area by the existing Provincial Government. The sole idea which guided the administrators at that time was that the country was secured firmly under British supremacy and that the people settled down to peaceful avocations and pursuits admitting of the establishment of ordinary civil government. The grouping of the people into separate provincial governments in accordance with their linguistic and ethnological requirements was not part of the administrative policy. The same state of things has been allowed to continue down to this day with a few modifications here and there undertaken with a view to meet the exigencies of the moment. The lapse of time, however, has disclosed to view defects inherent in the present territorial arrangement. It has been found that the promiscuous herding together of peoples of different linguistic and racial denominations has resulted in innumerable administrative difficulties, and has hampered the healthy growth and progress of the people themselves by stifling the expression of the genius peculiar to each race and the development of its distinctive culture and civilisation. Moreover, the system has given rise to unhealthy racial rivalries and animosities among the several communities making up the population in each provincial area, the effect of which has been ultimately injurious to the interests of the body politic. The need for the re-organisation of the provinces as per one or the other of the recognised scientific principles has been accordingly felt and that principle, it is now universally agreed, should be the principle of language. The Indian National Congress has formally set the seal of its approval on this principle and its work is now organised on the basis of linguistic provincial units. The other political parties in the country also have accepted the linguistic principle as being at once scientific and practicable, and the desire to redistribute the provinces on linguistic basis is one of the few common planks on which all Indian politicians stand united at the present day. As regards the question whether the linguistic principle should be the sole and exclusive determining factor in carving out provincial areas for the future, there does not exist, however, such absolute unanimity of opinion. On a universal and even-handed application of the principle, there will spring into existence nineteen administrations in all—four more than the present number. These would be the administrations of (1) Bengal, (2) Bihar (including the Hindi-speaking area of the Central Provinces), (3) U.P., (4) The Punjab, (5) North-West Frontier Province, (6) British Baluchistan, (7) Ajmere-Merwara, (8) Delhi, (9) Assam, (10) Orissa, (11) Andhra, (12) Madras (comprising the Tamil-speaking Districts of the present Presidency), (13) Karnataka (consisting of North Canara Districts of Madras and South Canara District of Bombay), (14) Kerala (Malabar), (15) Coorg, (16) Andamans and Nicobars, (17) Bombay (consisting of the Marathi-speaking tracts of Berar, Central Provinces and Bombay), (18) Gujarat and (19) Sindh. Of these, the immediate creation of the administrations of Orissa, Andhra and Karnataka, has now been agreed to on all hands, and definite schemes have been formulated in furtherance of the proposal. The application of the principle in the case of Malayalees, Marathi-speaking people of Bombay, Berar, and Central Provinces and the Gujaratis, though formally recognised by the Indian National Congress, no definite suggestions—so far

as is known—yet been evolved in detail. The case of Sindh, however, has been the bone of contention between the Hindu Mahasabha and the Moslem League. The peculiar position of the people of Sindh had always elicited general public approval for their claim for a separate province. But the recrudescence of Hindu-Moslem dissensions in recent years and the Moslem demand for introduction of Reforms into the North West Frontier Province, and British Baluchistan simultaneously with the constitution of Sindh into a separate administrative unit as a condition precedent to the abolition of their separate electorates, has brought about a revulsion in Hindu opinion, and the Hindu Mahasabha has now definitely set its face against the proposal for separating Sindh from Bombay. The Mahasabha regards the creation of three new full-fledged self-governing Moslem provinces adjacent to India's Frontier, in addition to the two Moslem predominated provinces already existing, namely, The Punjab, and Bengal, as practically tantamount to surrendering India to Moslem supremacy and agreeing to the eternal subordination of the Hindus. The practical possibilities arising under the circumstances would accordingly appear to be that Orissa, Andhra and Karnataka should at once be created into three independent provinces. The claims of Malayalees, Gujaratis and the Marathi-speaking population now scattered over Berar, Central Provinces and Bombay should also be investigated and, if possible, separate provinces for them also should be established simultaneously with the creation of Orissa, Andhra and Karnataka provinces. The Hindi-speaking area of Central Provinces should be amalgamated with Bihar which, divested of its present alliance with Orissa, should be an independent provincial unit by itself. So far as Sindh is concerned, it should be constituted into a sub-province under Bombay so as to assuage Hindu opposition in the matter. If Provincial Governments are not to continue as the peculiar concern of nobody—which, indeed, they are at present—and, if an adequate sense of responsibility for the proper propelling and preservation of the state mechanism is to be developed among the people on whom fresh opportunities and power will be conferred increasingly in future, it is of the utmost importance that the re-grouping of the peoples, as above indicated, should be effected before fresh constitutional changes are undertaken in other directions.

#### THE SPECIAL CASE OF THE ORIYAS.

6. In connection with the question of the formation of linguistic provinces, the case of the Oriyas arises for special consideration. No other people in the whole of India have been subjected to such acute suffering, and in no other case, such complete rout of national prosperity has resulted, owing to the policy of indiscriminate enfoldment of the peoples as has occurred in the unfortunate instance of the Oriyas. If only a cursory comparison is instituted between the state of the people in the past before they were brought under British Rule and their present day condition, the truth of this assertion will be thrown into relief. The Oriyas are an ancient Aryan community and the record of their achievements—alike in arts of peace and of war—has been one of the richest in the annals of India. Beginning from a tiny strip of territory in the region north of the Chilka Lake they had, by their military strength and prowess, established at one time an empire extending from the Ganges in the north to the Godavary in the south. In the domain of architecture, which was the art that made particular appeal to their genius, their achievements as testified to by the temples of Jagannath and Bhuvaneshwar and the magnificent ruins at Konark near Puri, have been the wonder of all the world. The Oriyas were one of the richest people of India and arts and industries freely flourished among them. On account of the advantage of a long line of sea coast which nature has conferred on their country, the Oriyas

been made towards its solution. The Government of India in response to a resolution moved on the eve of the Reforms in the old Imperial Legislative Council by Mr. (then Hon'ble) Sachidanand Singh—lately of the Executive Council of Bihar and Orissa—had promised to consider the question of the early amalgamation of the Oriya-speaking areas of Ganjam and Vizagapatam in Madras with Bihar and Orissa. Doubts having been raised in the meantime in interested quarters that the desire for amalgamation was confined only to a few politically ambitious persons among the populace, the Government of India, in 1924, appointed the Phillip-Duff Committee to ascertain the exact extent of Oriya opinion in the Districts in question. The popular enthusiasm that was evoked among the Oriyas on the occasion of this inquiry is unsurpassed in the experience of communal agitations in India except perhaps in the instance of the Partition agitation in Bengal. Tens of thousands of Oriyas, with flags and trumpets, and to the accompaniment of their national songs and anthems, greeted the members of the Phillip-Duff Committee wherever they went, and memorials and addresses were presented to them on behalf of local bodies, associations and people of all classes and ranks advocating their immediate re-union with Orissa. The Phillip-Duff Committee made its Report recommending the speedy amalgamation of the Oriyas of Ganjam and Vizag with their Oriya brethren under Bihar, but no substantial steps have been taken by the Government of India in this direction, presumably in view of the present investigation. The Oriyas in the Midnapur District of Bengal and those under the Central Provinces as also the Oriyas in Singhbhum in Chota Nagpur being far more disorganised and backward than the Oriyas of Ganjam and Vizag, no similar agitation with a view to their amalgamation has been able to raise its head, though need for relief in their case is no whit less acute. The Oriyas have been looking forward to the inquiry now on hand as the occasion and opportunity for the final solution of their national problem, and unless their amalgamation under a separate Government is effected as a first preliminary, the grant of further Reforms in the direction of responsibility to India will, far from being beneficial, prove positively injurious to their individual interests as a community.

#### THE ORIYA PROVINCE OF THE FUTURE.

8. In inviting attention to the Oriya demand in the present connection, it does not appear to be necessary to delineate in detail the parts and functions of the Government mechanism of the future Province of Orissa. It is, however, proposed to piece together certain facts and touch in slight outlines certain features so that the same may prove helpful in visualising broadly the ideal in view. The nucleus of the physical basis of the proposed province will be furnished by the five districts—Puri, Cuttack, Balasore, Sambalpur and Angul—now all comprised in the Orissa Division of the Province of Bihar and Orissa. To this will have to be added the whole of Ganjam District except the Revenue Taluq of Chicacole and the entire agency area of the District of Vizagapatam—both now lying in the Madras Presidency. The Zamindars of Chandrapur, Padmapur, and Malkhorida in the Bilaspur District and those of Phuljhar and Khariar in the Raipur District will have to be taken away from the Central Provinces and tacked on to the aggregate area arrived at as per above. The Contai Sub-division, Dantan, Gopiballbhapur, Narayanagar, Jharagaon and Biripur Thanas in the Midnapur District in Bengal and the Singhbhum District in the Chota Nagpur Division in the Bihar and Orissa, will have to be separated respectively from their present administrative connections and annexed to the Orissa Province under contemplation so as to complete the scheme of amalgamation of Oriya-speaking tracts. The twenty-four feudatory states of Orissa, the Saraiikala and Kharsvan States in Chota Nagpur as also

the States of Bastar, Saranggarh, Raigarh, Udaipur and Jhaspur in the Central Provinces should be placed under the Orissa Government of the future. It is recognised that grouping together of these independent States under Orissa will not in any way augment the material resources of the proposed provincial administration, but by far the vast majority of the population in these States is Oriya, and the relationship of the Oriyas of British India and their brethren in the States in question has been so intimate and vital that they have been both regarded as part and parcel of one whole. Most of these States, again, are petty principalities enjoying varying degrees of power and status, and they have been all along administered by the Commissioner of the Orissa Division acting through a Political Agent on behalf of the Governor-General and Viceroy. It is agreed more or less universally by all concerned namely—the Chiefs, their subjects and the Oriyas of British India proper alike—that the present arrangement should remain unaffected by the constitution of Orissa into an independent administration. The total area of the Oriya Province by piecing together the above territories would be over 89,000 square miles with a population of wellnigh 15,000,000. As regards the capital of the province, it should be located at Cuttack, with Puri or the Mahendra Hills of Ganjam as the summer seat of the Government. The government of the province should be vested in a Governor acting with two Ministers. It is suggested that there should be no Executive Council for the Province, and that the Reserved Subjects should be administered by the Governor himself through Secretaries. The Province should have a single-chambered legislature of thirty-five to forty members partly elected and partly nominated. For purposes of local administration, the province should be divided into ten districts, five more being carved out of the area newly added to the existing Orissa Division. The revenue work and the general administration of these districts should be co-ordinated by a Financial Commissioner whose function and powers should be analogous to those of the Board of Revenue obtaining in some of the bigger provinces. There should be a High Court of Judicature located at Cuttack, consisting of a Chief Justice and two to four puisne Judges. There should be created a University at Cuttack to which the other Colleges in the province will be affiliated. A permanent Public Service Commission should be constituted which shall recruit and regulate the services of the province. By an arrangement with the Government of India, the Feudatory States in the province should be administered through the Governor of Orissa and there should be no separate Political Agent.

#### THE FINANCIAL BOGEY.

9. Financial insufficiency is the red rag which is sometimes waved in the face of the proposal for a separate Oriya Province. It is alleged that the revenues arising out of the amalgamated Oriya-speaking tracts will not prove sufficient for running an independent Provincial Government. This mistake has proceeded from the fundamental misconception that all the Provincial Governments of India must be of one type and after a single pattern. Those who have raised the fear of this bogey in the way, have based their calculations on the features and paraphernalia prevailing in the existing Provincial Governments, and have judged the sufficiency of the finances of future Orissa in relation to those accidental attributes. No exact estimates of the revenues likely to accrue from the amalgamated Oriya-speaking tracts have been yet made, nor have any authentic figures been arrived at with regard to the expenditure which such an amalgamation under a separate Government will entail, on the lines of the simplified scheme suggested above. The initial outlay in setting up a separate Government for Orissa will not necessarily be overwhelming. If considerations of pomp and paraphernalia do not

prevail, the existing Government buildings at Cuttack with slight additions and alterations may prove sufficient for the location of the Provincial Government. Similarly, the existing Ravenshaw College will provide the nucleus for the Oriya University, and much saving of expenditure will be made in that direction. The present Officers of Government, both of the All-India and the Provincial Services, will continue to carry on the administration in the districts as now, and the expenditure incurred on their account and on account of their subordinate officials and establishments has been in no case suggested to exceed the revenues which the districts respectively yield. If the net revenues resulting from these districts is not sufficient for the upkeep of the Provincial Government at the centre, with a High Court and University these last two features of the administration may not be thought of for some time to come till the state of finances improves. By an arrangement come to with the Government of India, and with necessary legislation effected, the High Court of Judicature in Calcutta may be entrusted with the appellate and revisional jurisdiction and the general superintendence over the subordinate courts of the Oriya Province. Similarly, the Calcutta University may be approached to allow affiliation to itself of the Colleges of Orissa till a separate University is instituted for the Province. The development of the mineral and other resources of the country is sure to augment the revenues of the Government, and, if necessary, a pilgrim tax may be levied on the pilgrims of whom there is a heavy flow to Orissa all round the year from the several parts of India. If, in spite of all these measures, balancing of the budget is not found possible, then an all-round reduction in the pay and pensions of the officers and other servants of the Government may be effected to such extent as may be necessary. Temporary loans from the Government of India also may be taken to be liquidated after the province is financially self-sufficient. It is pertinent to mention in this connection that on the eve of the creation of the Province of Bihar and Orissa as well as of Assam, the same question of financial insufficiency had been raised, but after the actual constitution of the Provinces, the difficulty apprehended has been demonstrated to be largely imaginary. What has been the experience with regard to Bihar and Orissa and Assam, will, it is hoped, be found to be reiterated in the instance of Orissa.

#### SUB-PROVINCE AS A STEPPING STONE.

10. If for financial reasons or due to other causes, the creation of an independent Province for the Oriyas is not found practicable for the present the constitution of a sub-province for them under one or other of the existing Provinces will go a long way towards allaying the grievances of the people. Such a measure will do away with the administrative evils to which the Oriyas have been peculiarly exposed and will afford scope howsoever limited—for the expression of their distinctive civilisation and culture. The safeguard, however, should be guaranteed in the constitution that if in three consecutive terms of its session successively—once in each term—the legislative council of the sub-province passes a resolution demanding a separate province for Orissa the same shall be effected with the consent and approval of the Government of India—which shall always remain a central reserved subject. Other safeguards with regard to matters such as adequate representation of the Oriyas in the public services—if these services are organised on a Provincial basis—will have also to be provided so as to avoid difficulties and friction in the functioning of the constitution. As regards the Province under which the Oriyas should form a sub-provincial unit the claims of Bihar come for consideration first and foremost. The vast bulk of the Oriya people living in the Districts of Puri, Cuttack, Balasore, Sambalpur, Angul, and Singh-

bhum in Chota Nagpur are now enfolded in the province of Bihar and Orissa where they have already formed some connections, and it would be desirable not to disturb them from there if it can be avoided. Bihar, moreover, is yet a "baby" province, and may not be able to sustain such a heavy operation in its parts as the severance of Orissa. Further, Bihar, in case Orissa is separated from it, will go without a seaboard, which consideration has weighed so heavily in the past with the Government in tacking on the Oriya-speaking tracts to its area. There will be again a healthy poise of power and influence maintained between the peoples of the Province, if Oriyas are enfolded in a sub-province along with Bihar. Next to Bihar comes Madras in point of convenience in this connection. In the first place Oriya tracts of Ganjam District and Vizagapatam agency have been under the Madras Government ever since they came under British sway. The Oriyas of these two tracts though they bear no affinity to the other people under the presidency—in race, language or civilisation—have developed a certain attachment for the presidency which they would like to continue if by some device their national integrity is secured safe and their neighbours prevented from committing pillage in their hearth and home. Secondly, the problem of slicing off nicely the Oriya areas from the Telugu populated portions in Ganjam and Vizag, which presents some difficulty, will at once disappear in the event of such a consummation. Thirdly, Madras being one of the most enlightened of provincial administrations in all India, the Oriyas now under Bihar, Bengal and Central Provinces will profit largely by the proposed connection. Fourthly, the Oriyas will find themselves in a richer home in Madras than in any other province. The large financial resources of the southern Presidency will succour several projects of common utility which may not be possible for the Government of future Orissa by itself to undertake. The difficulties of distance between the several parts of the proposed presidency will not seriously arise after the opening of the Waltair-Raipur Railway line, which project is now under accomplishment. But there is a difficulty in the way of Orissa forming a sub-province under Madras which is almost stupendous. The presidency is already unwieldy and the idea of adding to the existing area the entire Oriya-speaking tracts now under Bengal, Bihar and Central Provinces will hardly, as things stand, appear practicable. If, however, Madras is relieved of its burdens on the west coast by the formation of separate provinces for Karnataka (Canara) and Kerala (Malabar) or by the constitution of an amalgamated province of Karnataka and Kerala, the creation of Orissa into a sub-province under Madras would become fairly feasible. As regards Orissa being made a sub-province under Bengal the initial disadvantage is that only the Oriya-speaking tracts in the Midnapur District are now present under Bengal. Besides, the Bengal Government is one of the poorest among the provincial Governments in spite of the affluence and plenty enjoyed by its people. The yoking of Orissa to Bengal under the circumstances may not prove an advantageous alliance to either of the Governments. What is more formidable an objection to such an alliance is that there is so close an affinity in language and culture, habits and manners, between the Oriyas and the Bengalees that the integrity of the former may be injuriously affected in process of time. The risk is all the more great by reason of the circumstances that, compared to the population of Orissa, the population of Bengal is disproportionately larger and the people of Bengal are infinitely richer than the inhabitants of Orissa. The presence of a large sprinkling of Bengalee immigrants in the boundaries of Orissa itself who have been domiciled, also adds to the element of risk. The idea of Orissa being constituted a sub-province under Central Provinces is so far-fetched and unpopular that it does not at all arise for consideration as a practicable proposition. In considering the question of establishing a sub-

province of the Oriyas under one or other of the Provinces in the manner above indicated, it is essential to be borne in mind that it will never be acceptable to the Oriyas to have a sub-province in full settlement of their claims. A separate province is, and will ever remain, their ultimate ideal, and they will be content for some time with a sub-province only as a stepping-stone and a stage on the way to its achievement.

#### JUDICIARY AND ADMINISTRATION OF JUSTICE.

11. Next in importance to the redistribution of Provinces on linguistic basis comes the question of reforms in the system of Judiciary and Administration of Justice. The administration of Law and Justice in British India has been one of an ideal type, but the very perfection of the system has thrown into relief certain defects and anomalies, the existence of which has been long felt as a great hardship. One of these anomalies is the exercise of Magisterial powers by the subordinate officials of the Revenue Department. These officials are directly under the subordination of the District Collector on the revenue side and have to look up to him for their promotion and preferment. The District Collector is intimately connected with the administration of Salt Abkari and Forest Departments, and being also the administrative head of the district, the Police is closely connected with him. Many cases come before the subordinate Revenue officials sitting as Magistrates in which the District Collector happens to be indirectly interested in the prosecution. It often becomes a hard thing indeed, under the circumstances, for these officials to exercise absolute independence of judgment which is so essential to the satisfactory discharge of their duties. Again, the judgments of these subordinate Magistrates go in appeal to the District Collector in his capacity as the District Magistrate in many matters in which he himself—though indirectly—is a party to the prosecution. Though owing to the high integrity and honesty exhibited by the members of the Indian Civil Service in the past, there has not been much room for complaint of partiality, the existence of the anomaly has been always felt as a grievance—and Indian public opinion ever since the inception of the Indian National Congress, in the middle of the eighties, has been insistently demanding its removal. Another feature which has been responsible for much irritation and discontent is the racial discrimination that is made in the treatment of Indians and others of European extraction in the administration of the criminal law of the country. This discrimination, which was made in many matters of trial and sentence at one time, has been largely done away with by progressive legislation, but vestiges of preferential treatment still remain which it is essential to abolish without further dilatoriness. The appointment of members of the Indian Civil Service as District Judges has been objected to in certain quarters on the ground that they do not bring to the work any sound knowledge of the law and previous legal training. But civilian Judges in the District have been on the whole satisfactory, and the need that is felt for them during Hindu-Moslem riots by members of both the communities alike, points to the necessity of their continuance. In the High Courts, the invidious distinction that is made between Barristers, Advocates and Pleaders should be put an end to, and Pleaders also should be made eligible for appointment as Chief Justices. The proportion of appointments of High Court Judges as apportioned at present among members of the Civil Service, British Barristers and others, should be allowed to continue for at least some time to come. By far the most important Reform necessary in the system of the Judicial Administration is the creation of a Supreme Court for India. This need is felt both as a part of the equipment of the self-governing status which it is India's aspiration to achieve, and also on account of the many difficulties that are being experienced by the people for want of a higher appellate tribunal

than the High Courts in India itself. The self-governing Dominions of Australia, South Africa and Canada have now each a Supreme Court of their own, and with the establishment of a federal system of government in the country, such an institution will be an absolute necessity. As regards the practical inconveniences arising out of the present arrangement due to the desire to cut short the number of appeals to the Privy Council as far as possible, several restrictions have been placed on the right to appeal to that tribunal. This has operated as denial of justice in certain cases. In cases where an appeal is specifically provided for, the people have been put to extraordinarily heavy expenditure in briefing counsel in England. Moreover, situated as they are, six thousand miles away across the seas, they seldom hope to come in personal contact with their solicitor or counsel, and have been put to extra expense and inconvenience on that score. It is recognised freely that the judgments of the Judicial Committee have been generally monuments of legal learning, but, of late, dissatisfaction has been felt in this country in regard to its handling of certain questions of personal law, and the proposal to appoint Indian Judges to remedy this defect is hardly likely to prove successful. All these inconveniences and handicaps to which Indians are being put can be put an end to at one stroke by the creation of a Supreme Court for India. The objections that are urged against the proposal are not of an insurmountable character. It is said that the Privy Council constitutes a link in the chain of Imperial connection and ought not to be interfered with. But the proposal is not to effect a severance of all connection between India and the Privy Council. The supreme prerogative of appeal now enjoyed by the King can never be affected even by the creation of a Supreme Court in India, and it is proposed to provide for a certain class of appeals from the judgments of the Supreme Court to the Privy Council. The other objection that a suitable central place with a bar of adequate standing and standard is not easily available is more in the nature of an exaggeration. If the proposed Supreme Court were to be located in Calcutta, this difficulty will be at once perceived to be imaginary. Lastly, the paucity of legal talent in India for the recruitment of Judges to the Supreme Court which is put forth as an argument against the proposal is a myth, as shown by the records of achievement of eminent Indian Judges and Lawyers. It is true that the Legislative Assembly has twice vetoed the proposal, but that was brought about by the mischievous policy and tactics pursued by the Swarajists which have been severely condemned in the country. Indeed, the constitution of a Supreme Court in India will bring home to the vast majority of the people some of the highest benefits of British Rule, and will knock away a deal from the bottom of the agitation for absolute independence. The proposed Supreme Court should consist of a Chief Justice and such number of other judges—not less than two—as the Indian Legislature may provide. These Justices should be appointed by the King, and shall not be removed from office except on a joint address of both Houses of the Indian Legislature praying for their removal on the ground of proved misbehaviour or incapacity. They shall receive such remuneration and pension as may be provided for by Parliament in the Government of India Act. Every person appointed Justice of the Supreme Court must have served by the date of his appointment as a Judge of any of the High Courts in British India or any other Court of similar grade and status in the United Kingdom or in any of His Majesty's other Dominions. It is proposed that the Supreme Court should be vested with no original jurisdiction so long as the Government of India remains unitary. Appeal should lie to it in civil matters both on questions of law and fact from the High Courts in all suits or proceedings of the value of Rs10,000 or upwards. There should be no further appeal to the Privy Council from the decisions of the Supreme

Court on facts. But in cases involving substantial questions of constitutional law or public interest, or in cases of value of one lakh of rupees or upwards, an appeal should lie to the Privy Council, provided the Supreme Court certifies that the particular case is a fit and proper one for the purpose. In criminal matters the Supreme Court should be invested with appellate jurisdiction in a certain class of cases involving extreme penalty of the law.

#### PROVINCIAL GOVERNMENTS.

12. As regards the Provincial Governments, dyarchy should be allowed to continue during the ensuing stage as being the only alternative to the grant of full responsible government, for which, as has already been stated, conditions are not yet fully ripe. Much undeserved opprobrium has been heaped upon this system of duality of responsibility and control, which has been due mostly to ignorance and prejudice. As has been already set out at length, dyarchy was ushered into existence, when the general aspect of things was most unfavourable, and had to pass through a most precarious infancy. It may be safely asserted that nowhere has the system been given the full and fair trial which is its due—though condemnation of it has proceeded from all points of the compass. In the Punjab and Madras, where some honest endeavour has been made at working the system in the spirit in which it had been intended, remarkable results have been attained to the lasting benefit of the people. In the Punjab it is stated that, within three years of its introduction, there has been an increase of forty-seven per cent. in the number of boys and girls attending schools. There is again nothing inherently unworkable about the system at all, as has been so generally the complaint. The two clogs in the way of its successful working have been want of funds and the difficulty in adjusting the relationships between the Ministers and their permanent subordinates of the Indian Civil Service. These obstacles are by no means insurmountable, and by providing adequate safeguards and checks they can be easily got round. Indeed, dyarchy seems to be the only device by which to tide over the period of transition in the evolution of India's polity. But dyarchy, in order that it might satisfy Indian aspirations and function without friction, must undergo radical alterations in its present form. This means, first and foremost, that control that is now exercised from above should be largely relaxed and several subjects, which are now classed as "reserved," should be made over to the "transferred" side. The portfolio of law, justice and police, must remain "reserved" till communal consciousness on the part of the people has completely spent itself, and till informed and organised public opinion has come definitely into existence so as to prevent any abuse of the large powers which this portfolio confers. Similarly must be kept "reserved" the revenue portfolio, which otherwise would lead to abuse of power and patronage in the hands of popularly elected Ministers who—till parties are formed on firmer foundations and party organisations consolidated—will continue to be largely amenable to the wire-pulling of the election agent in the district. Finance should be bodily made over to popular control, as also the other subjects now administered by the Home, Law and the Revenue Members. The expenditure required for the due administration of the subjects which will be "reserved" must, as at present, constitute the first charge on the revenues of the Provincial Government, and it will not depend on the vote of the Provincial Legislature. Fresh powers also must be vested in the Governor of the Province enabling him to sanction any extraordinary expenditure he might deem necessary for the due administration of the Reserved Departments. The subjects transferred to the popular control must be reshuffled and re-grouped on a more scientific principle and such anomalous combinations as education and excise, should not be permitted in the future. The relations between the Ministers and

their permanent executive subordinates must be strictly defined—irrespective of the fact whether these subordinates happen to be of the Indian Civil Service or of any other Service—and subject to the limitations imposed by rules on either side, the Ministers should have complete control over the Departments under them. It should be made obligatory on the part of the Governors of the Provinces to hold generally consultations jointly with the Members of the Executive Council and the Ministers in relation to all matters concerning the Province that may come up for consideration by the Government, though, if the matter relates to Reserved subjects only, Executive Members of the Cabinet should have the right to vote and *vice versa*. Only in exceptional cases it should be open to the Governor to hold separate consultations, in which case he must have to record the special reasons in a minute-book separately maintained, a copy of which should be forwarded by him to the Secretary of State in Council. The Governor of the Province should appoint a Prime Minister, and the other Ministers shall be appointed by him on the advice of the Prime Minister. No person shall be eligible to hold office as Minister unless he is already an elected member of the Provincial Legislature or is elected as such within three months of the date of his appointment. The Ministers should be made to carry on their duties till their successors are appointed. Except for the above alterations proposed, the Provincial Executives must remain such as they are at present. As regards the Legislatures in the Provinces, their present constitution is satisfactory. The idea of establishing Second Chambers in the Provinces is not a happy one, having regard to the backward state of education and political experience among the people. Men of education and public spirit who can take an intelligent interest in the affairs of the country are now absorbed into the existing single-chambered legislature and the Legislative Assembly and the Council of State. There will be hardly available sufficient number of persons of light and learning in the districts—under the circumstances—who can constitute a second chamber consistent with the dignity and prestige of the institution. If, however, the idea would command general acceptance to have Second Chambers in the Provinces out of persons wholly nominated by the Governor among public men in the provinces, without necessarily having regard to the claims of each district to be represented, their creation would prove highly useful as providing a check on hasty action on the part of the popularly-elected Legislative Councils. There is a proposal in some quarters that the strength of the Provincial Legislative Councils should be increased. This does not appear to be at all necessary. On the other hand, the dangers of such an increase are likely to be that the body will become unwieldy for useful work, there will be a greater multiplicity of parties, and men of lesser calibre will come in and gain preponderance. The members of the Provincial Legislatures should continue to be partly elected and partly nominated in the present proportions. The proposal to do away with nomination is impracticable and unsound, as such a step will deprive backward communities and depressed classes in the Provinces altogether of their representation. Such a radical innovation will also deprive the members of the Reserved half of the minimum backing which is essential to them in the Legislatures. There should be no alterations in the powers and procedure in the Provincial Legislatures for the present except such as may be necessary in consequence of the proposed transfer of further subjects to popular control. The limitations to which the Acts of the Provincial Legislatures are subject at present should be maintained intact.

#### THE GOVERNMENT OF INDIA.

13. As regards the Government of India, considerable overhauling and reconstruction are necessary. The changes introduced into it by the Montagu-Chelmsford Reforms have been great, but those

changes have been defective in that they have afforded ample control over legislation and finance, and the fullest opportunities for criticising and acting as a check on the executive to the popular representatives, without making them realise the hard limitations imposed by actualities. Moreover, political aspirations of the educated and the intelligentsia has been raised to a high pitch, and these have got to be appeased. Inasmuch as, however, owing to the deplorable state of education and political experience among the people, grant of full responsible government at present is altogether out of the question, partial introduction of responsibility into the Government of India appears to be the only way out of the impasse. It is not intended to suggest any hard and fast division between the subjects that should be "reserved" and those that should be "transferred" to popular control. But the broad lines along which division should be effected may here be indicated. In the first place, Defence, External Relations, Relations with Native States, Political charges and Communications should remain unaffected. Similarly the subjects which might interfere with the maintenance by the Government of India of its external relations and relations with the Native States, such as Shipping, and Navigation, Commerce, Posts, Telegraphs, and Telephones, Customs, Cotton Excise duties, income tax, etc., should not be transferred. The subjects now constituting the portfolios of law and finance should also be reserved, as well as certain subjects whose administration by the Reserved half is desirable such as, All-India Services, Ecclesiastical Administration including Administration of European Cemeteries and Territorial changes, etc. The subjects that are proposed to be made over to popular control are only seventeen in number. They are:—(1) Development of Industries; (2) Trading companies and other associations; (3) Immovable property acquired by and maintained at the cost of the Governor-General; (4) Control of cultivation and manufacture of opium and sale of opium for export; (5) Stores and stationery, both imported and indigenous; (6) Control of mineral development; (7) Census and statistics; (8) Copyrights; (9) Inventions and designs; (10) Survey of India; (11) Geological survey; (12) Archeology; (13) Zoological survey; (14) Meteorology; (15) Botanical survey; (16) Mineral Development; (17) Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies. These subjects should be administered by the Governor-General acting on the advice of three Ministers. The Governor-General should appoint a Prime Minister and the other Ministers should be appointed by him on the advice of the Prime Minister. These Ministers should get the same pay and other remuneration as the Members of the Executive Council. No person shall hold office as Minister unless he is already a member of the Legislative Assembly, or is elected thereto within three months of the date of his appointment. The Ministers should be made responsible to the Legislative Assembly for the due administration of the subjects entrusted to their charge. In other respects, the same arrangements as have been made, or may be hereafter introduced, in regard to dyarchy in the Provinces, should be made to apply to the relationships between the Ministers, the Governor-General and Members of the Executive Council respectively. This salutary change in the Government of India will wean away most of the All-India politicians from the fruitless path of irresponsible opposition and will have the effect of rendering them more sober and practical in their outlook and criticism as has been the case in the Provinces. It will also provide training to the people of the country in carrying on the administration of All-India matters which they will be one day be called upon to undertake. As regards the Legislative Assembly and the Council of State, there has been a proposal to effect an increase in their respective strengths. It is feared

that the acceptance of this proposal will render these bodies unwieldy and will tend to impair its quality and efficiency. If, however, for any reason, any increase in the present strength of the Indian Legislature is deemed necessary, it should be done on the principle of one member for the Assembly for each District, and one representative to the Council of State for every two Districts. There should be, in such a case, a corresponding increase in the numbers of the nominated members, and members representing special interests respectively. Both the Council of State and the Legislative Assembly should consist of members partly elected and partly nominated. The powers and functions of both the chambers should remain the same as they are now except such increase in the power of the Legislative Assembly as may be necessary on account of a part of the executive being made responsible to its authority. As regards the election of the President of the Legislative Assembly, the amendment should be introduced that, if the Legislative Assembly presented an address to the Governor-General expressing its wish that a particular person should be its President after his election has been once disapproved of by the Governor-General, it shall be obligatory on the Governor-General to approve of the election of such person as the President of the Legislative Assembly. It should be provided with regard to the Council of State that its President should be elected by that House whose appointment should be subject to the approval of the Governor-General. The provision also may be made in the Act empowering the Governor-General to appoint from amongst the members of the Assembly, parliamentary secretaries who shall hold office during his pleasure, and discharge such duties in assisting the Ministers as may be assigned to them by the Governor-General, on the recommendations of the Prime Minister. These may be paid such salary or other remuneration as may be provided for them by the Legislative Assembly.

#### THE SECRETARY OF STATE AND THE COUNCIL OF INDIA.

14. The powers of the Secretary of State over the Provincial Governments and the Government of India should remain as they are, except such relaxation of control on his part as may be necessary consequent on the widening of popular control in the Provinces and the introduction of partial responsibility into the Government of India. It was at one time widely insisted on that the Council of India which has been attached to the Secretary of State should be abolished on the grounds that it was superfluous and often furnished perverse advice to him in important questions concerning India. Of late, however, the demand has not been so insistent. Apart from it, the retention of that body appears to be desirable in India's best interests—as it provides a Parliamentary Minister with informed opinion and advice without which he will have to depend more and more on the permanent officials of his department whose influence in the decisions of important questions concerning India cannot be expected to be, on the whole, wholesome. One minor improvement in this direction is necessary, and that is, the pay, other allowances and conditions of service in regard to the Indian Members should be made more satisfactory so that the appointments may prove more attractive in this country than at present.

#### ELECTORATES AND FRANCHISE.

15. There should be no separate electorates for Moslems, Sikhs, Parsis, Indian Christians, Anglo-Indians and Europeans or for any other community in future, and all communities must seek representation through a general electorate. But there should be provided reservation of seats for all these communities in the common electorate. Special electorates must continue as at present for the representation of particular interests, e.g., Land-



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holders, Universities and the like. In the special constituencies the qualifications of the electors must be maintained as they are and no modification or enlargement in regard to them is necessary. In respect of the qualifications of the voters in the general electorate, for the Provincial Legislatures, several suggestions have been put forward. Universal adult suffrage is what should be kept in view, but the day when that goal will be attained is yet far off. It is proposed in certain quarters that literacy should be the sole qualification of the electors in the general electorate. This will confer franchise on 18.6 millions, that is, 11.2 millions more than the number now enjoying the privilege. But such a change in the present state of educational progress of the country will give undue preponderance to the people in Urban areas and will exclude from the electorate large classes of the population who have more substantial stake in the country, and otherwise quite competent to exercise the franchise. There has been a suggestion to reduce the property qualification for a voter, but that will bring into the electorate a large number of people who will be much

more helpless in the hands of the landlord and the village moneylender. Till political experience has spread more widely and a regard created among the people for the responsibility and sacredness of the trust, the qualifications insisted on at present, on the whole, would appear to be satisfactory, and it is suggested that they should be retained. It has been proposed that the qualifications for being a voter for the Legislative Assembly and the Council of State elections should be the same as those obtaining in regard to the Provincial Legislatures. But, in view of the fact that the constituencies in the case of Legislative Assembly and the Council of State are necessarily much larger, it is submitted that higher qualifications should be insisted on, on the part of the electors for those bodies. There should, however, be effected a reduction in the amount of property qualification now required which will bring into the electorate a large number of persons without there resulting any corresponding disadvantage. As regards the qualifications of the candidates for the Provincial and Imperial Legislatures, no change in those now in vogue is necessary.

## MADRAS.

23rd February, 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE MADRAS PROVINCIAL COMMITTEE.

## Deputation from the Madras Presidency Oriya Association, Berhampore (Ganjam).

The deputation consisted of :

Mr. BHUVANESWAR RUTH, B.A., B.L., Secretary.  
Mr. BHAGIRATHI RATHO.

1. *Major Atlee* : How long has your Association been formed ?—(*Mr. Ruth*) : It was formed on the 15th May, 1927.

2. And what is its membership now ?—1,137.

3. Has it got branches ?—No.

4. I do not want to go in detail through the beginning of your Memorandum, which deals with general questions, nor do I want to go into the general questions of the Oriya-speaking people, because the Conference had a good deal about the general position in Bihar and Orissa. I want to deal with your special case in Ganjam. Will you please turn to page 240. Your general complaint is that whereas other linguistic groups have a majority, or a substantial minority, in at least one province, you are in a minority in all provinces ?—Yes. An insignificant minority in every province.

5. As regards this province, you state at the top of page 240 that "the Oriya language is not given the currency which is its due, and Oriya litigants and ryots are being placed at the mercy of middle-men, as the language of the predominant community which is prevalent is foreign to them." Is that so, because it has been pointed out by the Madras Government in 1904 that the 1901 census figures were unreliable because there were special privileges given to Oriyas, many Telegus declaring themselves to be Oriyas ?—That is not so. The fact is rather the other way. Owing to the manipulations, we

might say, of the Telegu enumerators at the census in 1911, the Oriya population in the district was shown as having considerably decreased. That was also recognised in the census report of Madras, 1911.

6. It is claimed that one community manipulated the census in 1901 and the other community manipulated it in 1911 ?—It cannot be, because if the Commission will call for figures it will be seen that most of the enumerators in the district happened to be non-Oriyas both in the census operations of 1901 and 1911.

7. The other side state exactly the contrary. However, I turn to the next point. You say, a little lower down on page 240, "The economic well-being of the Oriyas is altogether unattended to, and the abounding forest and mineral resources of the country lie unexplored." Is it not a fact that those mineral resources are mainly in the feudatory States of Orissa ?—Not exclusively.

8. Not exclusively, but mainly ?—It may be so, but also they are very largely in the Agency tracts of Ganjam and Vizagapatam which we claim as part of the Oriya country.

9. I want to call your attention to that. You say on the next page, page 241, "The Malayalees have been concentrated all within the bounds of the Madras Presidency. Sindh is exclusively under Bombay. Similarly circumstanced are the Gujaratis. The Canarese population is divided only between Bombay and Madras." As a matter of fact, they are divided between the Indian States and the provinces ?—We were not taking into consideration the Indian States. We had only in mind British India in making that statement.



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[Continued.]

10. But you are putting forward a claim on the basis of language. I am just pointing out to you the difficulty of a linguistic basis when the linguistic units are divided between Native States and British India?—Yes, but if in British India any community is large enough to make a province, it should be given a province, apart from the question of some members of the community being within the Native States.

11. Then you trace the course of the Oriya movement, and then on page 242 you put forward proposals for the Oriya Province for the future, and you say that its nucleus would be formed by the five districts of Puri, Cuttack, Balasore, Sambalpur, and Angul, and then you add the whole of Ganjam district except the Revenue Taluq of Chicacole and the entire agency district of Vizagapatam. I will not deal with your other claims, because that is another matter we have to look into. If you include all the Ganjam country you are going to include a large number of Telugus, are you not?—Yes, but in this connection we beg to point out to the Commission that the total population of Ganjam, including the Agency tracts of Ganjam, Vizagapatam and Godavari is 3,231,920 as per the 1921 census, of which the Telegu population is 1,132,140. The latter figure includes also the Telugu element in Chicacole Taluq in Ganjam, Gudam Taluq in Vizagapatam, and Godavari Agency area, which we do not claim.

12. We have the figures here for Ganjam (Vol. VI, page 7). It is 834,000 Telegu and 931,000 Oriya.—That classification does not take into account the Oriya and the Telugu elements in the Agency tracts. We wish to submit that no such differentiation can be made between the Agency portions and the other portions of the district.

13. It does not make much difference to the Oriyas, because that is the figure of the total Oriyas in Ganjam and the Agency tracts. In the Agency the Oriyas are 600,000, the Khonds 300,000, the Telugus nearly 300,000, and there are various other details. The broad fact is that you are not much more than half in the whole of that area?—It is not so. Though the census figures show Oriyas proper as six lakhs and odd, the Khonds and Savaras are Oriya-assimilating, and most of them speak Oriya.

14. I know some Telugus speak Oriya, and some Oriyas speak Telugu, but you cannot claim them in exactly the same position as your Oriyas proper, can you?—But that does not apply to the case of Oriyas (?Savaras) and Khonds, because they have no separate written language, and they have no distinct culture and civilisation of their own. They are assimilating not only to the Oriya language, but also the Oriya civilisation and culture.

15. You mean that they have a culture, but it is passing away in favour of Oriya?—They have no culture at all.

16. They have got a language, have they not?—They have got a language, but it is not sufficiently developed and useful, as will be seen from the fact that in all the Government schools in the Ganjam Agency and in the Vizagapatam Agency instruction is given to the aborigines only in Oriya.

17. It is rather a dangerous argument to use, is it not, because I notice you say that in the Bengal area Oriya is so near Bengali that the Oriyas are gradually being absorbed into Bengal. However, I will leave that point. You propose a Governor's Province?—Yes, we claim a separate province.

18. I do not want to go into financial details, but the broad point is that, put at its best, there is not much balance in Orissa and Ganjam between revenue and expenditure?—No, that is not so. In this connection I wish to take the Commission into a few details.

19. I do not think it is any good going into details here.—We wish respectfully to contradict that position, when it is said that the Oriya Province in the future will be a deficit province. We emphatically claim that it will be a surplus province.

20. Major Atlee : If you have to have a Governor,

a council, a university and a High Court, you agree that the financial position will be difficult? I think you admit that.

The Chairman : What is the page?

21. Major Atlee : Page 242. That will be a very heavy burden, will it not? I do not want to go into the detail of the financial position. You suggest that you might have an arrangement with the High Court of Judicature at Calcutta?—Yes, for a time. If the finances of the province would not justify us in having a separate High Court of our own, we might be under the jurisdiction of the Calcutta High Court, till we are better off.

22. The difficulty there is that in Ganjam you have a different land tenure, different customs; and different laws have grown up there?—That is not a difficulty at all. As it is, in the Madras Presidency we have so many systems of land tenure.

23. I do not think you have quite got my point. The High Court in Madras has to know all these systems, but if you suggest that you go on to the Bengal High Court, you are having people who are totally unaccustomed to those systems altogether?—Orissa proper was for a long time under Bengal, and so as far as the main portion of the province is concerned there will be no difficulty at all. The only difficulty that can arise is in connection with the Madras parts. The Madras Estates Land Act is very largely modelled on the Bengal Tenancy Act, and we do not think there will be any great difficulty in that way.

24. Supposing you do not even get that, and you suggest a sub-province, can you give me your idea of what a sub-province would be?—But before we venture to do so we may submit to the Commission that the idea of a sub-province, though it had not been discussed in detail in Orissa proper when we presented our Memorandum, has been subsequently discussed at very great length in the Oriya press and on the platform, and the evidence of the witnesses who appeared before the Commission at Patna, advocating the formation of a sub-province for the Oriyas, has not been generally approved of by the Oriya people, and the sub-province idea is now very unpopular. But if the choice is between half a loaf and no bread, we would rather prefer to have half the loaf than go without any bread at all.

25. I want to go into the composition of the half loaf. What is your conception of a sub-province?—Our conception is very similar to that pointed out by Mr. Lionel Curtis in the scheme suggested by him on the eve of the Montford Reforms.

26. Could you state it, because we have not got it before us. Are you going to have a Lieutenant-Governor, or what?—Our proposal is that the Oriya-speaking tracts under Madras, Bihar, Central Provinces and Bengal should be amalgamated, and out of these areas a sub-province should be constituted under one or other of the four provincial governments. For the other areas in the province we may have a sub-provincial-government, and over these two governments there will be a provincial government. We would propose that the reserved subjects, which cannot be transferred to the popular control, may be entrusted to the provincial government, but subjects which should be transferred to popular control be entrusted to the government of the Orissa sub-province and the other sub-provincial government respectively.

27. I want to know, what is the Orissa sub-province government? What would it consist of?—There should be a Governor with two or three ministers, and a legislative council.

28. Where is the saving as compared with a full province?—It is generally put forward on the financial ground. The difference is that in certain matters of common interest, they will be administered by the government of the province as a whole, and only certain matters of local concern will be administered by the sub-provincial governments.

29. But from the point of view of expense, what would you say on that?—From the point of view of

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expense the large schemes of development, which are of a provincial character, would be undertaken by the central provincial government, and minor schemes pertaining to the particular areas of the sub-province would be under the sub-provincial governments—

30. You have not quite got the point. I was pointing out the difficulty of having a Governor and sub-provincial legislatures in the province. You suggest that it should be much the same in a sub-province as in a province; but with regard to the cost of setting up this government, you do not seem to save anything by setting up a sub-province?—No exact estimation of income and expenditure of an Oriya Province out of the Oriya-speaking tracts has yet been arrived at, but we have been told that the Bihar Government has estimated the expenditure—

31. *Sir Hari Singh Gour* : That is not the question. The question is, what is the difference between the expenditure of a sub-province and that of an independent province?—The difference would be the cost of administering all the provincial subjects, minus the cost of administering the sub-provincial subjects.

32. No separate secretariat?—Yes, there would be a separate secretariat.

33. No separate governor, no separate ministers, no separate courts?—There would be a separate Deputy-Governor and ministers and separate secretaries, but they would be on a smaller scale.

34. *Major Attlee* : A cheaper Governor, and so on?—Yes, if we cannot afford the expense, the whole thing should be on a cheaper scale.

35. I do not think there are any other points in this that are not general questions. I would only ask you one other point. In uniting yourself to Orissa, you realise that Orissa is subject to very great dangers by flooding, and consequent famine after flood. Is not that so?—But I do not think you would make out of that an agreement against our amalgamation under a separate administration.

36. But is it so? Is Orissa subject to flood?—I think every province is subject to natural catastrophes. Even the other day down here we had one district subject to such floods.

37. Your answer is Yes, is it not? It is very subject to floods. Is it not proposed that you should have a rather large expenditure in order to save Orissa from flood?—Yes, there is now a scheme under consideration.

38. Would you suggest that that should be done by the Government of India, or that Orissa should do it under its own finances?—We think it should be done by the Government of India or by the Provincial Government, or that a temporary loan should be taken for that purpose.

39. You think you could pay for that temporary loan, pay interest on it?—We have to when we borrow money from others.

40. The point is as to whether Orissa as a financial unit is sufficient to stand by itself?—It can.

41. *The Chairman* : Supposing your idea of a sub-province, at any rate as a temporary measure, seemed the best idea, with what major province do you wish the sub-province to be associated?—The order of choice, we may respectfully point out, we have indicated in our Memorandum.

42. I see the arguments, and I have read the Memorandum, but I want to know what is the conclusion?—First and foremost we wish to be placed under Bihar and Orissa.

43. *Mr. Cadogan* : I want to refer to the section in your Memorandum headed "The special case of the Oriyas" on page 239, in which you set out the poor condition of your peoples in various provinces. You will, I am sure, agree with me that you would only be able to justify amalgamation in the provinces in the sight of your peoples if it brought with it an improved material condition. What you are suggesting, as far as I can see, is the amalgamation, to use your own words, of "the poorest of peoples"

among whom "famine and pestilence are chronic," and who are "in so illiterate and ignorant a condition" that they have been officially recognised as a "backward community". Well, what would the process be of amalgamating these things? To improve the lot of your peoples, your new government would be up against two very formidable problems, health and education. Then you refer a bit later to the financial side of the question as a "bogey." Talking into consideration the present condition of the Oriya-speaking peoples and what would have to be done in order that their lot should be improved, surely you could hardly refer to the financial question as a bogey? You cannot brush the whole financial question aside: you must agree it is a very serious problem indeed?—It is a very important consideration, though not the primary consideration in the matter.

44. This section on page 240 rather seems to infer that your people are not getting a fair deal. Take this sentence, for instance: "Their educational needs and requirements have been administered to 'with a most niggardly hand'; and then \* \* \* Oriyas have been most sparsely 'represented in the public services in every province'." Are you suggesting that there is some prejudice against your people in this respect?—Not exactly prejudice. The people in whose hands the making of appointments lies belong to communities other than Oriyas, and it is very natural for them that they should fill in those vacancies by choosing men of their own communities, and not us.

45. *Sir A. P. Palto* : The Oriyas do not want a sub-province, do they?—I would not put it exactly like that. I would prefer to say that we want a separate province of our own, but if for financial reasons or other causes such a course is not feasible just at present, we would prefer a sub-province rather than be in the present position.

46. That is to say, the Oriyas want a separate province to be formed out of all the different parts that are scattered under various governments?—Yes.

47. And in your Memorandum you say that you prefer to have the sub-province tacked on to Madras, because it is a rich province, and you will be able to carry on the administration satisfactorily if the sub-province is to be formed?—Yes, that would be one very important consideration in our being tacked on to Madras, but we would prefer to be tacked on to Bihar and Orissa. Failing that, we should be tacked on to Madras.

48. *Sir Hari Singh Gour* : Has your Memorandum been presented to the Oriya Association?—Yes, it was submitted to a session of the Association.

49. And how many people were present there?—About 200 odd.

50. And they approved of it?—Yes.

51. As regards the constitution of a sub-province or of an independent province, you have looked at the question from the theoretical point of view, the point of view of sentiment of Oriya-speaking peoples, as is very natural indeed; but take the practical side of it. If your province costs something like 4 crores of rupees, and you make only in the neighbourhood of 2 crores of rupees, you go begging for the other 2 crores?—We would not say so. We would rather prefer to live within means than go begging of others.

52. But you cannot do that; that is exactly your trouble. You are too proud to beg, and too poor to exist?—The first part of your assumption may be true, but the second part is surely not.

53. That is the position?—No, it is not so.

54. In Madras they say, "We have our own commitments." They do not want to adopt you. You go and beg next door. Bihar and Orissa will say, "It is a deficit province. It has a very inelastic income."—Yes. At present it has.

55. And a proportion of the elasticity is shared by your province?—Yes.

56. And there is the splitting up of your province

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into various tributary and feudatory states?—Yes.

57. Now you have an inelastic income, and Bihar and Orissa says, "We are poor people; we cannot afford to keep another poor kinsman of ours"; so Bihar and Orissa will not take you?—I beg your pardon. I cannot understand how Bihar can say that they cannot keep Orissa. It must be Bihar that must say so. Bihar and Orissa cannot say that.

58. Supposing Bihar says, "We are quite ready to get rid of you, but we are by no means prepared to receive you with all your encumbrances, and you are loading yourself and your incumbrances by taking odds and ends from the Central Provinces and Madras." That is what the Bihar and Orissa people say: "We are a deficit province; we just manage to exist, but we cannot have you with all your impediments, with all your belongings and additions." What have you got to say to Bihar?—Bihar has not said so.

59. I speak for Bihar and say so?—That impression seems to be, I would submit, not correct, for one reason, that in a debate held in the Legislative Assembly on 8th February, 1927, on a motion made by Mr. Nilakantha Das, the Bihar representative, Mr. Gayaprasad Singh, fought the whole battle with the Oriya member to have all the Oriya-speaking tracts under Bihar.

60. We always do that. We have done that consistently for nine years, so long that we have no responsibility.—Again, in 1921, a resolution was adopted in the Bihar Legislative Council agreeing to the adoption of all the Oriya-speaking peoples.

61. I agree with you on sentiment that you should be united under one province. The question on the theoretical ground we all admit. I want you to convince the Conference that you have got the ways and means, that it is a practical proposition?—Yes, that it is.

62. You must establish to the satisfaction of the Conference that it is a practical proposition within the next five or six years, or ten years, and I am simply drawing your attention to that.—What we wish to submit is that *prima facie* the burden of proving that we should be a deficit province should be on those who make that allegation against us. Our contention is that no figures of revenue and expenditure of the Oriya-speaking tracts have been arrived at, yet it is said we are a deficit province. We have enough evidence to show that we should not be a deficit province though we have not definite figures calculated in rupees, annas and pies.

63. You say on page 242 that "No exact estimates

"of the revenues likely to accrue from the amalgamated Oriya-speaking tracts have been yet made, nor have any authentic figures been arrived at with regard to the expenditure which such an amalgamation under a separate Government will entail, on the lines of the simplified scheme suggested above." Apart from the question whether your simplified scheme will work, as we will assume, will your province have the same administrative organisation as the neighbouring province?—Yes.

64. On that basis you have yourself admitted that you have not gone into the rough figures.—We have got rough figures. Subsequently we have worked them out.

65. You might get your representatives to interrogate the Government, and ask what would be the situation if the Oriya-speaking tracts were placed under one government, whether as a separate province or as a sub-province. That you have not done?—I cannot agree exactly that we have not done that, because only the other day we had elicited some figures about the revenue and expenditure of Ganjam from the Government of Madras, and more or less we have done so elsewhere also. But other means are available to us of estimating the revenue and expenditure of the future province.

66. As regards the formation of a sub-province, the Oriya people who came before the Bihar conference said they would consider the question and would submit a supplementary Memorandum. The suggestion given to them was that an Oriya Minister should be in charge of the Oriya tracts for the Oriya-speaking peoples. The Orissa representatives in the Legislative Council would form an Orissa Legislative Committee, who would deal with Orissa on the basis that it is a sub-province. In that way there would be administrative saving in the cost of the Legislative Council, the cost of the secretariat, the cost of the High Court and the cost of a separate establishment, like ministers and members, and so on. That was the suggestion made. What you have worked out here does not answer that suggestion at all?—That may be, but we consider that such an idea as you suggest is an unpractical idea.

67. Then there are two pages in your Memorandum which have greatly fascinated me, and that is in regard to the establishment of a Supreme Court in India?—Yes.

68. Has the establishment of the Supreme Court in India, which you mention on pages 244 the consensus of opinion of your Association?—Yes.

## Memorandum submitted by Rao Sahib N. RAMAMURTI, Rtd. Deputy Collector and President, Ganjam Defence League, Berhampur, Ganjam Dt.

As it is stated in the *Statesman* of Calcutta that the report of Messrs. C. L. Philip and A. C. Duff on the proposed Excision of the Ganjam District from the Madras Presidency has been referred to the Government of Madras for opinion, I send herewith a copy of the Memorandum prepared by the Executive Committee of the Ganjam Defence League for consideration in arriving at the opinion called for by the Government of India. This Memorandum was prepared before the publication of the report of Messrs. C. L. Philip and A. C. Duff. The remarks made in the report in dealing with the tracts where the Telugus preponderate will strike every impartial reader as extraordinary. While the authors of the report admit the artificial nature of the Oriya movement so far as the masses are concerned, they apply different principles to the tracts where the Oriyas and Telugus are respectively in majority. Their statements that "comparatively few Oriyas (in the Parlakimedi Taluk) know Telugu, the language difficulty for them is, therefore, real. But very many of the Telugus know Oriya" are quite incorrect. In fact, they are the reverse of the truth. On the other hand, in the southern part of the District including the Parlakimedi taluk, the Oriyas, as a rule, know Telugu, while the Telugus, as a rule do not know Oriya. I request that the correctness of this statement may be verified by a reference to the District authorities. The Collector of Ganjam reported to the Government in his letter, R. Dis., No. 9112/21, dated 15/11/21, that "the Oriyas in these Estates (Parlakimedi, Tekkali, Tarla, Mandasa, Jalandra and Budarasingi), practically all know Telugu well." Messrs. C. L. Philip and A. C. Duff, while stating in paragraph 11 of their report that they have "consistently avoided the expression of any opinion regarding the feasibility or desirability of amalgamation," go out of their way and state as follows in paragraph 6 of their report and support the statement by most astounding assertions: "In fine, if the major portion of Ganjam including most of the Zamindari areas is taken from Madras it is only natural that the Parlakimedi Estate should go with the majority, and we cannot find that the Telugu inhabitants anticipate much inconvenience from the possible change." The Telugus of this District protest against this view. So far as the masses are concerned, the Telugus of Ganjam are not "more intelligent, more pushing" and better cultivators, more capable of adapting "themselves to possible changes" than the Oriyas.

N. RAMAMURTI.

Berhampur,  
May 20th, 1925.

### MEMORANDUM.

#### RE-BIFURCATION OF GANJAM DISTRICT.

##### I. HISTORY OF THE ORIYA MOVEMENT.

It is not due to any instance of administrative ineptitude or inefficiency, any miscarriage of justice, any social or economic disaster or hardship, or any kind of failure under the Madras Government that the Oriya leaders of Ganjam are agitating for its excision from the Madras Presidency. The idea is foreign in its inception. In the old days the Lieutenant-Governor of Bengal governed not only the whole of Bengal but also Assam, Bihar, Chota Nagpur and Orissa. Owing to its enormous charge, the Bengal Government could not cope efficiently with the great famine in Orissa in 1866 when half a million of people perished. Then the Secretary of State suggested the advisability of relieving the Bengal Government by separating Assam and Orissa. Ten years later, the idea of uniting all the Oriya tracts under one adminis-

tration struck the leaders of Orissa. It took 25 years longer before this idea penetrated into Ganjam. It was there engineered by persons who came from Cuttack. One Mr. Nalamoni Vidya Ratno of Cuttack, started an Oriya weekly at Rambha and propagated the idea. The incorrect language census statistics of 1901 which will be discussed presently, gave impetus to the movement and a petition was presented to the Government of India in 1903. It was on the strength of the incorrect statistics of 1901 that the Government of India made a reference to the Government of Madras in December, 1903. In 1904 the Government of Madras strongly protested against the proposal which was dropped by the Government of India. On 30th December, 1903, the Congress also passed a resolution deprecating the separation of the District of Ganjam and the Agency Tracts of Ganjam and Vizagapatam from the Madras Presidency on the ground that long standing territorial divisions which were closely united by ethnological, legislative, social and administrative relations should not be broken up. In 1912 the Oriya leaders renewed the agitation after the annulment of the partition of Bengal and the creation of the province of Bihar and Orissa. Lord Hardinge declared that the proposed union of Ganjam with Orissa was "unnecessary and undesirable." The Oriyas approached Sir Arthur Lawley and Lords Carmichael and Pentland and were informed that the question would not be re-opened. When Mr. Montagu visited India, in 1918, they presented a memorial quoting the statistics of 1901 census and ignoring those of 1911. It is said that the report of Mr. Montagu and Lord Chelmsford on the Indian Constitutional Reforms favours the redistribution of Provinces on a linguistic basis, but we find nothing in it in support of this view. In paragraphs 245 and 246, the distinguished authors discuss the proposal that existing Provinces should be sub-divided into a limited number of smaller areas on a linguistic or racial basis. Even with regard to this limited proposal, they state as follows:—"In spite of the evidence which has reached us of the existence in parts of India of distinct areas or communities which are anxious to secede from the larger administrative units of which they now form part, we feel sure that any general scheme of geographical partition would evoke such strong opposition as would be fatal to the whole plan. Generally speaking, we may describe provincial patriotism as sensitively zealous of its territorial integrity. Divisions of territory which are not made in response to a popular demand are apt to provoke wide and deep-seated dissatisfaction." Even their expression as to the consideration of the possibility of instituting sub-provinces in Orissa and Bihar relates to the existing province as it is. The authors have not at all taken into consideration the position of a District like Ganjam in relation to the constitution of a sub-province. Even for the constitution of sub-provinces there must be a popular demand. It must be by a process of consent necessarily by all classes of people affected and must not be imposed on the people by official action. If a considerable proportion or even a strong minority is against the proposal, it cannot be said that there is a popular demand.

##### 2. SCOPE OF THE PRESENT ENQUIRY OF MESSRS. PHILIP & DUFF.

Though the proposal to separate Ganjam from the Madras Presidency was discussed and negated on several occasions, it was apparently re-opened in the latter part of the last year and a committee consisting of Messrs. Philip and Duff was appointed to ascertain the genuine desire of the Oriyas of the District on the subject. The enquiry was limited and one-sided in its scope. From the communiques issued on the subject we were given to understand

that the Telugus and other communities had no part or lot in the enquiry. Consequently, the Andhras avoided any counter deputations and demonstrations which might embarrass the committee and might strain the cordial relations existing between the two communities. The Ganjam Defence League, an association working with the avowed object of opposing the transfer of Ganjam from the Madras Presidency, thought it advisable not to present any considered memorandum on its behalf. The Oriya leaders organised meetings, processions and other demonstrations and tried to show to the Committee as if they emanated from the people, while the real truth is that the masses are either indifferent or averse to the proposed transfer. In any case, no action can be taken on the report of the Committee without giving the Telugus and other communities an opportunity to state their case.

### III CENSUS STATISTICS.

Whenever the Oriya leaders speak or write about this subject, they ignore the available Census Statistics of population by race and caste and even with regard to language, they quote the Census figures of 1901 ignoring those of the later Censuses of 1911 and 1921; and by their speeches and writings, they try to mislead the authorities and the general public who have no time to study the census reports into the erroneous belief that Ganjam, with the exception of the southernmost Taluk of Chicacole, is Oriya country. A careful enquiry will, however, show that Telugus who live in all parts of the District, far exceed the Oriyas. The following statement shows the total population and the number of Oriya speaking people of the Ganjam District (plains) according to the last five censuses :—

Year	Total population	Number of Oriya speaking people.	Percentage of Oriyas to the total population
1881	1,503,301	748,964	50
1901	1,589,477	797,132	52
1901	1,680,142	1,274,975	75
1911	1,870,823	958,661	51
1921	1,835,562	981,790	51

A glance at the above figures will at once show that the number of Oriya-speaking people returned in 1901 is extraordinary as compared with the figures returned at the two earlier and at the two later censuses; and it was on the strength of this extraordinary figure that the Government of India started their enquiry, in 1903. Commenting on the incorrectness of the "language" figures of 1901 census, the Government of Madras reported in 1904 as follows :—"The first cause of the inaccuracy of the Census Statistics is the desire of the Telugus to share in the special advantages accorded by Government to Oriyas. The school fees charged for the education of the children of the Oriyas are half of those paid by Telugus and others. As the Government desire to employ Oriyas in the public offices to a greater extent than at present, it is thus believed to be easier for an Oriya than for a Telugu to enter the services of the Government. The second cause is that, as most of the enumerators in 1901 were Oriyas, it is probable that they entered as "Oriya-speaking" all persons who answered their questions in Oriya. This error would have a great effect, as, in tracts where there are both Oriyas and Telugus, a large proportion of the population can speak both languages. Thirdly, several Telugu castes, such as Kapus, komatis, kalingis, reddikis, etc., who live in tracts where Oriya is the prevailing language, and speak Oriya as well as their mother tongue Telugu, were probably entered as speaking

the Oriya language, the enumerators making no enquiries as to the language spoken by them at home. An example of this was noticed before the Census report was published. The Deputy Superintendent of Census Operations, Berhampore, states that at the time of tabulation he found that a large number of Reddikas (a Telugu caste which finds no place in Table XIII Castes) had been returned by the enumerators as speaking Oriya. As, to his own knowledge, this was contrary to the facts, he made a reference to the Provincial Census Superintendent, who issued orders for the tabulation to proceed in accordance with the Schedules. The Collector of Ganjam reports that there is reason to believe that the movement in favour of the proposed transfer was on foot in a quiet way before the last census, and thus may have influenced some of the Oriya enumerators in entering in the returns particulars of the parent tongue. In a tract where Oriya and Telugu are widely spoken, it is natural to expect that the mother tongue of the Oriya castes will be Oriya, and that of Telugu castes will be Telugu. The statistics showing the distribution of the population by castes should, therefore, furnish some indication of the prevalence of the two languages. On examining these statistics, it is found that 63,034 Pallis, who speak Telugu and reside on the coast, have been treated as Tamils by caste. Adding these to the recorded population of Telugu caste we find that the number of Telugus by race in 1901, including the Telugu-speaking Pallis was 818,417, and the number of Oriyas was 766,712. The inference from these figures is that Telugu should be more prevailing in the Ganjam District as a parent tongue than Oriya." The Census reports of 1881 and 1891 do not show the population of the District according to race and caste. They were shown for the first time in the Census report of 1901. According to this report, the actual figures are noted below :—

Year.	No. of persons according to race and caste.	
	Telugus.	Oriyas.
1901 .. .. .	755,383	766,712

The Census figures of 1911 and 1921 do not include castes which contribute less than one per cent. of the population. They are, however, approximate enough for purposes of comparison. These figures are quoted below :—

Year.	No. of persons according to race and caste.	
	Telugus.	Oriyas.
1911 .. .. .	842,415	475,729
1921 .. .. .	844,620	405,996

From the above figures it is clear that the Telugus in the District number about double the Oriyas. It is further believed that, in the northern parts of the District, Kalingas, Komatis, Velamas, Kapus, Kalingis, Reddikis, etc., who are really Telugus have been returned as Oriyas. In his report on the Census of 1901, Mr. Stuart states as follows :—"In the matter of affording information as to the nationality of the people, the language returns are as a rule inferior to the caste and birthplace statistics, for a man drops the language of his mother country more easily than he loses his nationality." We beg to submit that in deciding the proper *locale* of a people, the race they belong to is more important than the language they talk. The latter is an

accident; it may change under changed circumstances. The former is a vital and essential matter of blood, tradition, and custom, and cannot be adopted or discarded at will. One may repudiate his language, but not his birth. Hence the argument in favour of race should prevail over that of language.

#### 4. HISTORICAL CONSIDERATIONS.

The Northern Circars came under the British rule in 1766, while Orissa was under the Mahratta rule and did not come under the British sway until 1803. The Ganjam District was a part of the Northern Circars throughout the British rule and prior to 1766, under the short-lived French rule as well as under the Muhammadan rule. Ganjam was a part of the Chicacole Circars and was controlled by Mussulman authority from Hyderabad for about one hundred and eighty years, from about 1571 to 1753, when the Chicacole Circar, with the other districts of the Northern Circars, were granted to the French by Salabut Jang, the same Nizam who ceded this country to the English six years later, though they did not take actual possession of it for seven years longer. It will thus be seen that Ganjam has for at least three centuries and a half been an organic or integral part of the Northern Circars. Any disturbance of the prescription of such a long period will be keenly felt by us. Even under the Hindu rule, Orissa and Ganjam appear to have been separate entities, though the demarcation of provinces was not then so distinct as it was since the advent of the Muhammadan rule. Orissa and Ganjam formed parts of the ancient kingdom of Kalinga and subsequently of the dominions of the Kesari and Gajapati lines of Kings as they do now of British India. The mountain spurs which run down to the sea on the south of the Chilka lake have always formed a well-defined natural boundary between Orissa and Ganjam. Hunter states on page 172 of his Orissa, Vol. I:—"The native Government of Orissa practically acknowledged the natural boundary as the political one, treating as foreigners all devotees who came from the southern side of the Ganjam river, levying a ten per cent. higher tax from them. This distinction found legislative recognition in our earliest Pilgrim Law, three years after the country had passed under British rule." It will also be seen from pages 317-319 of Hunter's Orissa, Vol. I, that under the Gajapati Dynasty (1132 to 1532 A.D.) the country south of Chilka formed a separate division distinct from Orissa and that this southern division refused to pay tribute and that the administration of the Gangetic line continued to be merely nominal over it. The following reference also appears on page 987 of Maltby's District Manual of Ganjam:—"The wild nature of the country in Ganjam rendered their administration however merely nominal, and they were probably induced by these considerations to establish their own servants as Rajas or Lords of the Marches to keep the wild aboriginal tribes of Khonds and Savaras in check." In the above circumstances, expressions such as "Dismemberment of Orissa," "A limb separated from the body," "Re-union of Ganjam with Orissa," and the assertion that Ganjam is the native home of Oriyas and Telugus are domiciled settlers, are opposed to historical facts. No Oriya has been able to state when, how and by whom Ganjam was separated from Orissa.

#### 5. ADMINISTRATIVE AND LEGAL DIFFICULTIES.

If the suggested change be carried out the law of personal rights, the common law of land tenures the enactments relating to the rights of Zamindars, jaghirdars, Shrotriendars, Proprietors, Ryotwari pattadars, Inamdars and Tenants, the laws relating to rent and revenue, all other special and local laws enacted by the Madras Government with special reference to local conditions and habits of the people living in this Presidency, including Ganjam, the methods of administration to some extent and many

other matters specially suited to the localities, will have to be dislocated. Again, the common and customary law of land tenures obtaining in Orissa differs from that obtaining in Ganjam. The Ryotwari system of Ganjam requires a special knowledge of the regulations relating to remission, irrigation, the village system, and other matters closely touching the daily life of the ryot. If the system is to be administered to the contentment of the people, it must be by officers imbued with its principles and trained throughout their service in its methods. The form of temporary settlements prevailing in Orissa is unknown in Madras. The Revenue and Rent Recovery Acts of Orissa and Madras vary. Acts relating to the administration of Municipalities and District Boards are different, as also those relating to hereditary village servants, the land cess and water cess, etc. What is more, Ganjam with its peculiar laws and customs would form but a small proportion of the Province of Bihar and Orissa, and for the administration of this small area the officers of that Province would have to acquire a special knowledge of the laws and customs and would, in any case, lack that practical experience which is required for their proper administration. Further, there is the danger of the laws, etc., becoming stereotyped unless the modifications introduced from time to time by the Madras Legislature, as also the bye-laws, circular orders, etc., be also extended to Ganjam as they are made. This would in effect mean administration of Ganjam by Bihar and Orissa second-hand through Madras. If, again, such new measures or modifications do not commend themselves to the Government of Bihar and Orissa, they will have to enact such modifications as in their opinion are necessary in the interests of Ganjam for the efficient administration of which they will be responsible, and this would again add to the labours of the Government of Bihar and Orissa. The large number of Telugus throughout the tract and the fact that the bulk of the Government records have been kept in Telugu will render it essential for the officers employed to acquire a knowledge of Telugu, which is far more difficult to learn than Oriya.

#### 6. IMPRACTICABILITY OF AMALGAMATION.

Some of us do not know how the redistribution of India into Provinces on a linguistic basis would help to unify India or to consolidate its people into one great nation. Assuming, for the sake of argument, that such a redistribution will bring about the prosperity, contentment, and happiness of the people, no case can be made out for the proposed transfer of the Ganjam District to an Oriya Province. It is said that overwhelming majorities shall be the chief criterion, but bare majorities should yield to administrative convenience. So far as Ganjam District is concerned, the Telugus are in a majority. With regard to the occupation of territory, the whole length of the 100 miles of the sea coast is inhabited by the Telugus, and the hills and slopes are occupied by Khonds and Savaras, who, in common with the Telugus, are of the Dravidian (Turanian) stock. The tract of the country between is Oriya to the extreme north, mixed at the middle, and Telugu to the south. As for the languages, the Oriyas residing in parts of the District like Parlakimedi, Tekkali and Sompeta Taluks, speak both Oriya and Telugu, while the Telugus that live in parts of the District like Goomsur, Purushottapur, Aska and Surada, speak both the languages. In fact, the intermingling of the races has advanced so far that one not only has been speaking the language of the other but has also adopted the habits, customs, and manners of the other. Thus, the division of Ganjam on the basis of race or language presents insurmountable difficulties. Again, if Taluks are taken into consideration, the Telugus are in a great majority in the Taluks of Parlakimedi, Tekkali and Sompeta, while it is understood that many Zamindars and other Oriyas have consented to the proposed transfer under the in-

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GANJAM DEFENCE LEAGUE.

[Continued.]

fluence of the Raja of Kanika and other leaders of Orissa on the assumption that the whole of the District, with the single exception of Chicacole Taluk, will be transferred to Orissa. Again, between the Rushikulya and Bahuda rivers, Telugus are in a majority in the towns of Berhampur, Ichchapuram, Chatrapur and Gopalpur. The Telugus have developed these four towns to their present importance, have sunk much capital, and have the largest stake in them. If a referendum be made to the residents of these four towns to ascertain their wishes, it is certain that the residents will, by an overwhelming majority, vote against amalgamation with Orissa. Again, more than half the estates owned by the Oriya Zamindars and Proprietors are mostly peopled by the Telugus. The Maharajahs of Vizianagaram and Bobbili, and the Rani of Wadliwan of the Vizagapatam District possess large landed estates in this district. Besides, there are other Telugu landed proprietors even in the northern part of the district. In this part of the district, which lies to the north of the Rushikulya, Telugu communities, like the military class of Telagas, the mercantile class of Kalinga, Komatis, etc., have large vested interests. In these parts there are a large number of villages containing a fairly good proportion of Telugus. The Government of Madras spent about 50 lakhs of rupees on the Rushikulya project. The project has not hitherto been a paying concern, and it would be a calamity to allow it to pass to another Government when several improvements are contemplated and it is likely to prove remunerative on the completion of these improvements. If the proposed change be carried into effect, Ganjam will have to be split up into two portions, one under the Madras Government and the other under the Government of Bihar and Orissa and the effect of this will be to efface altogether memories and even the name of a district which was lovingly cherished by the people for a long time. Such a transfer will entail a charge in the *locales* of official and business centres of the district causing immense loss in a variety of ways.

#### 7. TRANSFER NOT BENEFICIAL TO ORIAS.

Orissa is, admittedly, a very poor country. It is subject to frequent visitations of famines and floods. Union of Ganjam with such a poor country is not likely to prove beneficial to the Oriyas or other communities inhabiting the district. The contemplated improvements to the Rushikulya project may not be executed for a long time. The Government of Madras have always evinced special interest in the solution of the Oriya problem by the adoption of liberal measures, such as charging only half fees in schools and colleges, instituting scholarships for the special benefit of the Oriyas, and preferring the Oriyas in the distribution of official patronage. In the last generation they have made rapid strides in their education in English and vernacular and in their representation in public services and local boards and councils. The fact that Oriya language was recognised by the University of Madras as long ago as 1873, while the University of Calcutta ignored it until 1903, shows the interest taken by the Madras authorities in the progress of Oriyas. Between the year 1906-07 and 1922-23 the number of schoolboys reading Oriya in the Madras Presidency rose from 32,715 in 1906-07, to 66,714 in 1922-23. In 1890, there were only two Oriya officials, the Oriya Translator and the Khond Interpreter. Now, nearly half of the office staff is manned by Oriyas. Within the last decade they have risen to the posts of Deputy Collector, District Munsiff, District Educational Officer, District Health Officer and other positions of trust and responsibility. Two of the three elected members from the district in the Provincial Legislative Council are Oriyas. If the district be transferred to Orissa, the Oriyas of the district will lose the special concessions they now enjoy under the Madras Government, as their distinction would be lost among

the rest of the Oriya population and they would not have that incentive and facilities for availing themselves of the higher education which they now have. The ryots of all communities are likely to lose in course of time the occupancy rights which have been secured to them by the Madras Estates Land Act 1, of 1908.

#### 8. TRANSFER HIGHLY INJURIOUS TO OTHER COMMUNITIES.

For the proper administration of a country, the Government should possess a special knowledge of its people; their language, customs and manners. Whereas the Madras Government has grown used to the administration of the Oriyas, the Government of Bihar and Orissa possess no knowledge of the Telugus who will be completely out of their element in that Province, and it is not likely that their language will be recognised by that Government. The Lieutenant-Governor of Bengal opposed the transfer of Ganjam, in 1904, on the ground that the necessity of administering to the interests of the large population of Telugus in the district would give rise to immense difficulties under a new Government. The Oriyas number 15,73,942 in the Madras Presidency. Their language is recognised in courts and other public offices and in the daily traffic of social and commercial life. They, their rulers, and their neighbours have known one another for centuries. If in these circumstances the Oriyas consider themselves to be a foreign unit and a neglected body, it is not difficult to forecast the fate of the little less than one million of Telugus of Ganjam and the Vizagapatam agency if they be transferred to Bihar and Orissa, where they will, in point of numbers, be scarcely appreciable amongst the millions of the Bihar and Orissa population. We beg to submit that it could never be the wish or intention of the Government of India to inflict such a serious injury on their Telugu subjects, who have as counsellors, as Civil Servants, and as soldiers rendered loyal and conspicuous service to Government in this very district, and have helped not a little in the arduous labours by which the Madras Government have evolved order and law out of the state of lawless disorder in which Ganjam was handed to the British Power. Telugu is universally spoken along the littoral, and the chief trade and commerce of the district is carried on by Telugu-speaking people. The traders and merchants who visit the hill tracts are mostly Telugus by caste. Most of the trade from Aska and Goomsur side is to Vizianagaram, Vizagapatam and other places in the Northern Circars; and in view of the opening of the Vizagapatam harbour, the transfer of any portion of the district will seriously jeopardise the commercial and industrial interests of the district as a whole. The important silk cloth industry of the district is in the hands of the Telugu weavers. A Medical College and an Engineering College have been established at Vizagapatam. An Andhra University, also, will be established soon. The Telugus of the district cannot take advantage of these institutions if the district be transferred. If the district be tacked on to a poor province, it will suffer much by way of paucity of funds for the improvement of the communications in the district, for the spread of education amongst the masses, for improving the sanitation in rural areas and for providing more irrigational facilities.

#### 9. CONCLUSION.

We have not touched the question of the Agency, as the Government of Madras gave several weighty reasons in their report of 1904 as to why the Agency should not be transferred, and it is difficult to add to them. Oriyas and Telugus have been living together amicably for centuries, maintaining most cordial relations, and a bifurcation of the district will intensify the dissensions, disputes, and bickerings

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DEPUTATION FROM GANJAM DEFENCE LEAGUE.

[Continued.]

which the present agitation has introduced, and will stimulate similar agitations in several parts of India. We humbly submit that no disturbance of the *status quo* is warranted by historical, administrative and other considerations and that any change in the existing order of things is fraught with serious difficulties for the administrators and is disadvantageous to the people, and that it will provoke wide and deep-seated dissatisfaction and discontent leading to prolonged, continuous and much stronger agitation from the other communities, who are considerable in numbers, who have large and varied vested interests and who have greatly helped in the all-sided development of the district.

### Deputation from the Ganjam Defence League.

The deputation consisted of :—

Rao Sahib N. RAMAMURTI NAYUDU, B.A.,  
Retired Deputy Collector and Landholder.

Rao Sahib M. V. APPARAO PANTULU, Retired  
Extra Assistant Registrar, Co-operative Credit  
Societies and Landholder.

Mr. G. V. KRISHNAMURTI PANTULU, B.A.,  
M.L., High Court Vakil and Landholder.

The Chairman : We understand you represent the Ganjam Defence League. \* \* \* I am going to ask my colleague, Major Attlee, to put a few questions to you.

69. Major Attlee : When was the Ganjam Defence League started ?—(Rao Sahib Ramamurti Nayudu) About 1903 or 1904.

70. When first you thought there was an agitation for the Oriya movement ?—Yes.

71. Can you tell me how many members you have ?—About three or four hundred members. It has branches throughout the district.

72. Are they drawn mainly from the northern area of Ganjam ? Where are your branches, for instance ? Your headquarters are at Berhampore ?—Yes.

73. Where are the branches ?—(1) Sompeta, (2) Baruva, (3) Ichchhapuram, (4) Chakapur, (5) Aska, (6) Russellkonda. And after the recent Duff agitation, even (7) Parlakimedi and (8) Tekkali have joined. They never expected that their case would come under review.

74. You make the point first of all, I think, that the Philip-Duff Report was one to consider the views of the Oriyas, and that the views of the Telugus did not come before them ?—The Philip-Duff Committee was appointed in order to find out whether the Oriyas had a genuine desire for the amalgamation of Ganjam with Orissa. The Telugus were not heard, and Messrs. Philip and Duff said they were not going to hear the Telugus, though, afterwards, it seems that they did hear some Telugus. The Ganjam Defence League did not appear before the Philip and Duff Committee. They state in their Report : " We have ourselves consistently avoided " the expression of any opinion regarding the feasibility or desirability of amalgamation of Ganjam " with Orissa." However, they made some side remarks about the Telugu tracts which were quite unwarranted and extraordinary.

75. We have got that further on ?—I base myself on the census figures. If you will allow me to speak I will do so.

76. I was going to take you shortly through these points. I will take the first point first, if I may. There is a question which you raise with regard to how far the people are bi-lingual. You say in the southern part of the district the Oriyas do know Telugu ?—Yes. In the northern part, the Telugus do know Oriya for the most part.

77. And the Oriyas know Telugu ?—In the northern part the Telugus know Oriya for the most part, and in the southern part the Oriyas know Telugu well.

78. You have a statement at page 251, I

see, in which it is said that the Parlakimedi Estate should go with the majority ?—Certainly. Its Oriya population is only 18 per cent. My contention is that race and caste form a more important factor than language. A person may discard his language, but he cannot discard his race and caste, and I am going to show from census statistics that the Telugus are about double the Oriyas in the Ganjam district.

79. We have got that figure. I am coming to that point.—I have got extra figures than those given in the Memorandum. That was prepared long ago.

80. I am taking the language question first. On that question of language, you say that the census statistics of 1901 were incorrect ?—Incorrect ; that is clear.

81. The Oriyas say that the later statistics were incorrect ?—I will give my reasons for that.

82. What are the reasons ?—Of course, the census statistics of 1901 showed that 75 per cent. of the population were Oriya-speaking. The previous two censuses of 1881 and 1891 showed about 50 per cent. Oriyas and 50 per cent. Telugus. Even the census figures of 1901 showed that the Telugus and Oriyas were about half and half, but there is one mistake. 63,034 Telugu Pallis were returned wrongly as Tamils. If you add these 63,034, the Telugus numbered 818,417, as against 766,712 Oriyas. I have a statement showing the figures of Telugu and Oriya population according to the last five census returns—

83. I do not think it is any good our trying to thrash out detailed figures here. We have got the general picture. It does not matter whether it sways a little one way or the other, but in the whole of Ganjam you might say that they vary round half and half. One side says it is more the one way, and the other side says it is more the other way.—I say that the Telugus number double the Oriyas in 1911 and 1921.

84. That is not the figure we have got here ?—I have got the figure.

85. We have a census figure here which shows the total population 1,835,000 ; number of Oriya-speaking people, 931,000 ; and you say Telugus 834,000 odd, Oriyas 405,000 odd. That adds up to 1,200,000. What has become of the odd 600,000 that disappears ?—That is the population of castes, which are less than one per cent of the population. For the purposes of comparison there are excluded, both from Telugus and Oriyas, castes of persons who number less than one per mille. Even Mr. Molony in his census report says that Telugu castes in 1911 were 473 per 1,000 of the population, and Oriya castes 262 per 1,000.

86. The question I am asking you is this. The two figures you have given me amount to just over 1,200,000. The total population is, you say, rather over 1,800,000. What has become of the 600,000 ?—They are Mussulmans and Tamils, and castes which number less than one per mille of the population excluded from these figures.

87. The census figure is 631,000 Oriya speakers for 1921 ?—Yes.

88. You say there are only 405,000 Oriyas ?—That is language. This is on account of race or caste.

89. Is your point that there are 500,000 Oriya-



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[Continued.]

speaking people who, although they speak Oriya, are not Oriyas by caste?—Yes. They include also castes which are less than one per mille of the population, besides Tamils, Mussulmans and Animists who live in the plains.

90. You want to make caste the distinction and not language?—Yes. Mr. Stuart says, on page 97 of his Report, paragraph 22: "In the matter of 'affording information as to the nationality of the' people, the language returns are, as a rule, inferior 'to the caste and birth-place statistics, for a man 'drops the language of his mother country more 'easily than he loses his nationality.'" Race and caste are more important than language in determining a question of this nature.

91. You have given me Telugu castes 840,000; Oriya castes 405,000. What castes are the odd 500,000, these elusive people?—I have already answered this question.

92. But who are they? They are not Telugu castes; they are not Oriya castes?—As I have already told you, they may be Moslems, Tamils, Animists, and also Telugu and Oriya castes who number less than one per mille of the population.

93. Of course, if you admit that, it rather knocks it on the head. There may be a couple of hundred, or a very small number?—My figure is corroborated by Mr. Malony, who gives as Telugu castes 473 per thousand population, and Oriya castes 262 per thousand. That is a quotation from the census report.

94. Let us take that point on your caste position. Do you say that there are many people who are Oriya-speaking who belong to Telugu castes?—Yes, they are enumerated as speaking mostly Oriya.

*Sir A. P. Patro*: I think in the case of Reddikis, especially of Telugu castes, they are put down as Oriya-speaking peoples.

95. *Major Atiles*: The trouble is that the other people say just exactly the opposite.—This is not a figure of mine. All this is based on Government reports.

96. We will leave that point for the moment. You deal with the historical position, and you say that for three centuries and a half Ganjam "has been 'an organic or integral part of the Northern Circars.'"—Yes, and it was so from time immemorial. The Government of India state in one place that it is difficult to break with the prescription of one century. What do you think of breaking with the prescription of several centuries?

97. In a country like India, with a very long history, any party goes back as far as it wants to. Some go back 1,000 years, and some 300 years.—We go upon history, that is all; we go upon facts. Not one of these figures is mine. They are all from the official statistics.

98. You point out on page 253 a number of difficulties?—It is all taken from the Madras Government Report of 1904.

99. I am only just bringing out your points.—I will enumerate the difficulties, if you like. I have merely summarised them in the Memorandum.

100. We do not want to overload the thing with detail; we want to get out the main points you have made. The main point you have made here is that there are a large number of different customs, and so on, that are quite different from those of Orissa, and in your view that makes a very great difficulty in amalgamating these tracts. Is that so?—Yes.

101. As a rule the people would like to go, if there was to be any change, with their zamindars. For instance, you have a big zamindari in Parlakimedi, have you not? Would you like the people to go with that?—Certainly not. As soon as the Philip-Duff report was published, the people of Parlakimedi organised a big meeting in which they passed a number of resolutions, and they have even asked the Raja of Parlakimedi to change his opinion. I can give you the resolutions passed at the Parlakimedi meeting. Nobody ever thinks that the British Government would ever remove Parlakimedi, Telikati

and Sompeta, where there are so few Oriyas, from the Madras Presidency. I do not think they will inflict such a gross injury upon the Telugu people.

102. You think the people's views should prevail and not necessarily the zamindars'?—The views of the people should prevail; certainly not that of the zamindars.

103. Do you apply the same reasoning to Parlakimedi and Jeypore?—But there are other difficulties. I think the administration of the Madras Government is the best ever known.

104. On page 254 you say that the transfer would not be beneficial to Oriyas, and finally you say that as Madras is a better Government than Bihar and Orissa, you would rather stay in Madras?—That is my opinion.

105. From your knowledge of the district in what direction does the trade run? Does it run towards the north?—It runs towards the south, and it will run more so when the Vizagapatam harbour is fully developed.

106. Taking the agency tracts they have not got much communication with the rest of the country?—They have.

107. *Mr. Cadogan*: On page 254 you speak of the sympathy which the Madras Government evince in the welfare of the Oriya people. You say "the 'Government of Madras have always evinced special 'interest in the solution of the Oriya problem by the 'adoption of liberal measures, such as charging 'only half fees in schools and colleges, instituting 'scholarships for the special benefit of the Oriyas 'and preferring the Oriyas in the distribution of 'official patronage.'" You have just now said that the Oriya people are the best judges in the matter. May I read to you what they say? They say: "Their educational needs and requirements 'have been administered to with a most niggardly 'hand?'"—Certainly not. If you compare the statistics of a decade or two, you will find the progress made by the Oriyas in education.

108. You do not agree with that?—No, I do not agree.

109. Do you mean they prefer to remain as they are?—Yes, they prefer up to this day.

110. I will again read to you what the Oriyas say: "Nowhere do the Oriyas succeed in getting 'their due share of representation owing to the 'power and influence wielded adversely by the 'people of the predominant communities." You do not agree with that?—I do not agree. Influence, wealth and sympathy are on their side. The zamindars are the richest persons, and they have advantages over the Telugus. Take the statistics for the last 20 years, and see what progress they have made under the Madras Government, in the matter of appointments in the public service, in their educational qualifications, and so on. They were backward in education in the beginning; but now they have progressed very much. There are three deputy collectors among them, and two or three district munsifs. I can give their names, if necessary. I do not think there are equal numbers of Telugus from the Ganjam district holding similar appointments.

111. They have no just grievance?—No.

112. *Sir A. P. Patro*: You have no objection to the formation of an Oriya province?—No; I have nothing to do with that.

113. As representing the Ganjam Defence League and the Telugu people of the Ganjam district, you raise no objection to the formation of an Oriya province and bringing the Oriya-speaking people under one administration?—I have no definite ideas on that point.

114. The Telugu people of the Ganjam district and the Ganjam Defence League have no objection to the formation of an Oriya province, that is, all the Oriya speaking tracts being brought under one separate administration?—That is the general opinion. I have got my own individual opinion.

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[Continued.]

115. *Lord Burnham* : That is only so long as you do not bring in the Telugu-speaking districts, is that so?—Where it is a mixed population, they do not want to be brought into the Oriya province.

*Sir A. P. Patro* : Is that your view?

*The Witness* : That is the view of the people.

116. Your opinion is that the purely Telugu portion should be excluded from the Oriya province if there is one formed?—Yes. I say it is impossible to divide Ganjam into such areas. All along the coast there are the Telugus.

117. The majority of the people beyond Rushikulya, say the Chatrapur, Gussur and Balligoda divisions, are mostly Oriyas?—The Ganjam Defence League objects to their transfer.

118. When they are predominantly Oriyas, what objection could there be for their being annexed to the Oriya province?—I have given the administrative difficulties. There are also the legal difficulties. For instance, we have got the *Mitakshara* law here, while they have the *Dayabhaga* law in Orissa. Again, even in cases where the *Mitakshara* law is applied, its application there is quite different from its application in this Presidency.

119. Do you not think that the Oriyas will be in a more prosperous condition and their culture will be improved if they are brought together under one administration?—No, I do not think so. I think the Oriyas of the Ganjam district will be in a better condition if they remain in the Ganjam district.

120. But the Oriya people think that their condition will be improved by being in a separate province?—That is on account of the influence of the Oriyas of Orissa. The movement originated in Orissa. The Madras Government dealt with that question, and the Government of India also said that they were convinced of the arguments advanced by the Madras Government for not taking away any portion of the Ganjam district to Orissa.

121. *Khan Bahadur Khalif-ul-lah Sahib* : How many municipalities are there in your district?—Three.

122. How many Oriya chairmen are there in these three municipalities?—One, Parlakimedi. The other two are Telugus.

123. So far as the District Board is concerned, who is its president?—An Oriya.

124. How many members represent Ganjam in the Legislative Council?—Three.

125. Of these, how many are Oriyas?—One. There were two previously. Further, the zamindar of Kallikota and Atugara represents the landholders' constituency.

126. *Mr. Siva Rao* : Some time before you were laying stress on the fact that all those who are classed as speaking Oriya do not necessarily belong to the same caste or race or community?—Yes, that is my point.

127. You also tried to make out that they are classed for census purposes as Oriya-speaking people. They are ethnologically different?—Yes.

128. For instance the Kalinga Komatis and Reddis are Telugus as a race, but they are classed as Oriya-speaking people?—Yes.

129. So in taking the census of the Oriyas and in deciding which people should be tacked on to the Oriya province, you suggest that caste or community should also be taken into account?—Yes.

130. Your objection, so far as I understand from this Memorandum, is to the dismemberment of the Ganjam district. You do not want that any portion of the Ganjam district, even the predominantly Oriya-speaking portion, should be tacked on to any other province?—Yes, that is my point.

131. What is your reason?—As I have already said, they are administrative and legal difficulties.

132. What are the legal difficulties?—There is the *Mitakshara* law here and *Dayabhaga* law in Orissa.

133. *Sir Hari Singh Gour* : What do you mean by administrative difficulties? You speak of the *Dayabhaga* law being a law of Orissa?—Yes.

134. I never heard that?—It is in Bengal. Orissa was a part of Bengal.

135. There are portions of Bengal which are subject to the *Mitakshara* law?—*Mitakshara* law as administered by the Calcutta High Court is different from the *Mitakshara* law as administered by the Madras High Court.

136. What are the other difficulties that you see?—The revenue administration is quite different. The *ryotwari* system is peculiar to Madras. Here there are village officers dealing with the Collector. There are no such village officers dealing with the Collector in Orissa except in a few Government estates. Again the Bengal Tenancy law is extended to Orissa and the Madras Tenancy law is quite different. Our *ryots* have got occupancy rights.

137. On these very grounds the Oriyas want to get away from you?—At the expense of the *ryots*.

138. While you, as a representative of the Telugu-speaking people, do not want to allow the Oriyas to separate from the Madras Presidency, they urge the very same reasons, the difference in the *Mitakshara* law, the difference in the revenue administration, and so on, for separation from the Madras Presidency?—I do not know how it is beneficial to the Oriyas.

139. That question was put to them, and they say that their separation from the Madras Presidency is beneficial to them, and they say they do not see why the Telugu people should object to that?—I beg to state that it is a question of the educated classes trying to aspire for the loaves and fishes of the office. It is they that say so. The masses do not say so.

140. You do not speak for the Oriyas?—I speak for the *ryots*.

141. As you have got a right to speak, you will agree that the Oriyas also have an equal right to speak for themselves, do you not?—It is prejudicial to the interests of the Oriya *ryots*, who form the bulk of the Oriya population.

142. You claim a right for yourself to speak. You must give equal right to the Oriya people to speak for themselves, and, if they ask for separation, separation must follow?—That will affect also the Telugu *ryots* who are intermingled with the Oriyas.

143. We leave out this intermingling. But where the Oriya population is in a majority, say more than 50 per cent—and there are tracts in the Ganjam district where such is the case—the Oriyas have an indisputable right to separate from you if they so wish?—I doubt it. The prescriptive right is with us.

144. Now you have come down to the prescriptive right. What is a prescriptive right?—It is the right to enjoy long established privileges. The Government themselves say that it is difficult to break with the prescription of one century. The Telugus have been enjoying certain rights as *ryots*, and they will be put into difficulties if any portion of the district is transferred.

145. *Lord Burnham* : I have got only two questions to put to you in order to clear up your views to the Conference. Do I understand you to say in the first place that in the division of districts where the race and language may differ, your opinion is that race ought to count, and not language?—Yes, exactly.

146. Speaking for the Telugu-speaking community, you are of the opinion that the administration in the Presidency of Madras is better than that in the Province of Bihar and Orissa?—I do not make any comparison. I only say that the administration of the Government of Madras is very good. I do not know anything of the administration of other provinces.

147. Have you anything to add to what you have already stated?—I wanted to discuss the census statistics. I want to say that the Government of India have already decided this question once in 1904, and their opinions are recorded.

## Memorandum submitted by the Madras Presidency Moslem League.

To The Rt. Hon'ble Sir JOHN SIMON, M.P., President of the Indian Statutory Commission.

Dear Sir,

You may have realised by this time that most of the vital problems of India's future turn on the hinges of Hindu-Moslem relations. Therefore no constitution proposed from a Moslem standpoint can be complete, unless it takes into account the Hindu standpoint also. The political differences among the Hindus, resulting from their division into Sikh and Jain, Brahmin and Non-Brahmin, touchable and untouchable, had made it difficult for the Madras Presidency Moslem League to understand the general standpoint of the Hindus as such, when the passing of the Nehru Report by the All-Parties Conference and its subsequent ratification by the All-India Congress Committee furnished the League with the desired basis. The Special Committee appointed by the League has drafted the Memorandum on that basis, and this fact and the time required for getting the draft approved by the Council of the League explain the delay in submitting the Memorandum for the consideration of the Joint Free Conference.

(By Order)

Yours sincerely,

(Sd.) MD. MUAZZAM, B.A., B.L.,  
Advocate, Madras High Court,  
General Secretary.

### INTRODUCTORY.

*India's unique Problems.* The most suitable constitution for a country is the one which takes into consideration all the general and special conditions of that country. What with the different communities and castes inhabiting this country, what with the multiplicity of languages spoken here, and what with the divergent civilisations and cultures existing in this extensive land, India's constitutional problem is not that of a country, but pre-eminently that of a continent. There are at least two dominating cultures in this country, viz., the one represented by the Hindus of the Aryan Stock, and the other by the Muhammadan conquerors of India—not to speak of the ancient Dravidian or Non-Brahmin culture and the modern European culture, popular with the younger generation. Another problem taxing the brain of the Indian constitution-maker is the existence of autonomous Indian States with hereditary sovereigns, the venerable representatives of ancient Indian civilisation, culture and constitution, occupying a peculiar position as "the faithful allies" of His Majesty the King-Emperor of India. The problem of a future Indian Constitution becomes all the more complex by the very reasonable contention of the Indian princes that in view of the treaty obligations, the British Government is not entitled to compel them to transfer their allegiance to an autonomous Indian Government, and that in case that Government be made responsible to the people of British India, the princes should be placed directly under the control of His Majesty.

*The League on the Nehru Report.* It is a tragic irony that the democratic authors of the Nehru Report, who demand the application of the principle of self-determination to British India, have not deemed it necessary to apply that principle to the Indian rulers by suggesting constructive proposals for safeguarding their privileges in the proposed "Commonwealth of India"; but have cleverly contented themselves with a criticism of the arguments of Sir Leslie Scott and the vague and the empty declaration that "the Commonwealth shall exercise the same rights in relation to and discharge the same obligations towards the Indian States as the Government of India exercised and discharged previous to the passing of this Act."

Under these circumstances, the Madras Presidency

Moslem League believes that the recommendations of the Nehru Report as accepted by the so-called All-Parties Conference, held at Lucknow, and in fact, though not formally, submitted to the Statutory Commission as the unanimous demands of the Indian people—though at best they be the demands of a large section of the Hindu community—are at least in certain respects one-sided and defective.

*Plan of the Memorandum.* As it is desirable to represent to the Statutory Commission the Moslem demands in their exact relation to the recommendations contained in Chapter VII of the Nehru Report, and as the League has reason to believe that the British Commissioners as well as their Indian Colleagues are fully conversant with the Nehru recommendations, it craves their indulgence to submit its proposals, for the sake of convenience and brevity, in the form of comments on the recommendations.

### COMMENTS ON THE NEHRU REPORT.

#### CONSTITUTIONAL STATUS OF INDIA, ETC.

*Recommendations 1 and 2.*—In the beginning of both these recommendations the words "Subject to the limitations imposed hereinafter" shall be added. As the problems of the Indian States and the divergent communities do not exist in the other dominions, no provision has been made for the solution of the problems in the respective constitutions of the dominions. In India, however, limitations have to be imposed on the constitution.

#### DEFINITION OF CITIZEN.

*Recommendation 3.*—The League is in agreement with this recommendation.

#### FUNDAMENTAL RIGHTS.

*Recommendation 4.*—The following shall be added after the word "unemployment" in clause xvii:—  
"The parliament shall also make effective laws to develop indigenous industries by establishing industrial schools and by other means, to prevent the export of grain, especially rice and wheat, from India and to provide employment for the poor citizens."

The League considers this addition indispensable, so that the starving masses of this country may get enough bread to eat and a piece of cloth to cover their shame. As members of the different legislatures will be people belonging generally either to the rich or the middle class, they may not think it worth their while to undertake legislation for the sole benefit of the masses, unless there is a statutory provision compelling them to do so.

The following shall be added as clauses (xx) and (xxi) in recommendation 4:—

- (xx) *Constitutional safeguard for religious neutrality.*  
"No legislation affecting the religion or any religious or important social custom of any community shall be undertaken within the limits of the Commonwealth."
- (xxi) *Safeguard for the autonomy of the Indian States.* "No legislation affecting the relations of the Commonwealth and any Indian State or any State and a province or any Indian State with another shall be undertaken except in the manner hereinafter provided."

Clause (xx) is necessary with a view to preventing the majority communities from tyrannizing over a minor community by interfering with the latter's religious and social customs.

Clause (xxi) is necessary to safeguard the position of the Indian States and save them from possible attacks from interested parties and statesmen in British India.

#### PARLIAMENT.

*Recommendation 5.*—Addition to Chamber of Princes. After the word "Representatives" the words

"and a Chamber of Princes" shall be added and the word "and" shall be omitted.

It is not fair to subject the Indian States to the Commonwealth, without giving them representation in its Parliament. As there are practical difficulties in giving them representation in either of the proposed bicameral chambers, the League considers it but just that there should be a legislature to represent the states and their governments.

*Recommendations 6 to 8.*—The League is in general agreement with the recommendations.

*Recommendation 9.*—*Franchise too wide.* The franchise proposed for the House of Representatives is too wide and, if adopted, will result in a quite unwieldy number of voters. Such a franchise will prove disastrous to the Moslem community, in which owing to the purdah system many of the female voters will not be able to exercise their franchise. The League proposes that the present franchise may be widened by giving the right of vote to any citizen paying Rs3 annually in the form of any tax, to all Indians graduated abroad, to all graduates of Indian Universities and Oriental academies and to all teachers in recognised public institutions.

*Recommendations 10 and 11.*—The League is in general agreement with recommendation 10 and endorses recommendation 11 subject to the following proviso:—

"Provided that the presidentship of the Houses of Parliament shall go to a Hindu, a Muhammadan and a Christian by rotation."

*Recommendation 12.*—To this the League has no objection.

*Recommendation 13.*—The following proviso shall be added at the end of the recommendation:—

*Limitations on the discussion of religious subjects.* "Provided that, notwithstanding any provision in this Act or in any British or Indian Law for the time being in force, the Parliament shall not, without the previous sanction of the Governor-General, discuss any bill, resolution or motion, affecting the religion or religious or social customs having the force of religion of any community whatsoever and no such bill, resolution or motion shall have legal effect unless three-fourths of the members, representing such community in the Parliament and present at the session, vote in favour of the bill, resolution or motion. The Governor-General shall decide whether a bill, resolution or motion affects such religion or custom and may, if satisfied that the religion or custom is so affected, accord the necessary sanction for the discussion on the bill, resolution or motion, or otherwise refuse such sanction. An appeal against such sanction by the Governor-General may be preferred to the King in Council by any member belonging to the community affected."

*Recommendations 14 and 15.*—The League accepts the recommendations subject to the deletion of the phrase "not including the Indian States" in recommendation 14.

*Recommendations 16 to 21.*—The League is in general agreement with the recommendations subject to the following proviso:—

"Provided that nothing in recommendations 16 to 21 shall apply to bills, resolutions or motions, relating to Indian States mentioned herein under "21-A and 21-B."

The following shall be added as new recommendations 21-A and 21-B after the above proviso:—

*Recommendation 21-A.*—*Reference of Bills, etc., on certain subjects to the Chamber of Princes.* No bill, resolution or motion or any provision or section thereof on any one or more of the following matters, passed by the House of Representatives and Senate shall be presented to the Governor-General for his assent or otherwise come into force until the bill, resolution, or motion has also been passed by the Chamber of Princes, namely:—

- (i) Any matter arising out of treaties, engagements, sanads or any other document or documents between the British Government and the Indian States or princes or between the Commonwealth Government and the Indian States or princes.
- (ii) Any matter relating to the contribution by any State or States towards the expenses of the maintenance of the Army, Navy, Air Forces, or generally towards the defence of India as a whole or relating to the participation otherwise of any State or States in such defence.
- (iii) Any matter connected with the share to be allotted to a State or States in any custom or other duties or pilgrimage or any other taxes collected within the territories of the Commonwealth or any provincial Government and *vice versa*.
- (iv) Any dispute between the Commonwealth or any province and a state regarding land boundaries, water supplies, irrigation canals, drainage, embankments, water storage, water power, etc.
- (v) Any dispute between two or more states about matters mentioned in sub-clause (iv) *supra* or
- (vi) Any other matters prescribed by law.

*Recommendation 21-B (a).*—*Constitution of the Chamber of Princes.* The Chamber of Princes shall consist of 300 members, who shall be composed of (1) such number of members representing each Indian State or group of States as may be compatible with its population and political importance, such members to be elected by constituencies established by law in Indian States, and (2) an equal number of members from each State or group of States, nominated by the State Governments to represent them.

(b) There shall be a President and a Deputy President for the Chamber of Princes. The Governor-General shall nominate an official representative of the biggest Indian State in the Chamber as its President. The Deputy President shall be elected by the Chamber from among its members.

(c) The period for the continuance of the Chamber, the privileges, immunities and powers to be held, enjoyed and exercised by it, and the manner of holding sessions, the dissolution, and the other necessary procedure shall be such as may be prescribed by His Majesty the King in Council.

(d) *Functions of the Chamber of Princes.* The Chamber of Princes may, on its own initiative, introduce and pass any bill or resolution, or motion on matters specified in recommendation 21-A. Any bill, resolution, or motion, when passed by the Chamber, shall be sent to the House of Representatives for confirmation. If the bill, resolution, or motion be passed by the House of Representatives and the Senate, without any alterations or amendments, or with alterations or amendments, acceptable to the Chamber, the resolution or motion shall become law and in the case of a bill subject to the assent of of the Governor-General.

If the bill be rejected by both or either of the Houses, the Governor-General may certify the bill, if he so thinks fit. Against such certification by the Governor-General, an appeal shall lie by any House of Parliament to the King in Council, whose decision shall be final. The resolution or motion so rejected shall lapse if not passed by the House or Houses within a period of one year from the date of such rejection.

- (e) (i) The Chamber of Princes shall take into consideration any bill, resolution, or motion sent to it by the other two Houses of Parliament under recommendation 21-A, and may pass the bill, resolution or motion with or without any alteration or amendment or may reject the same.
- (ii) If such bill, resolution or motion is passed by the Chamber without alterations or amendments or with alterations or amend-

ments, acceptable to the other Houses of Parliament, the resolution or motion shall become law and in the case of a bill subject to the assent of the Governor-General.

- (iii) If such bill be rejected by the Chamber or passed with alterations and amendments, unacceptable to both the Houses, the Governor-General may certify the bill, if he so thinks fit. Against such a certification an appeal by the Chamber shall lie to the King in Council, whose decision shall be final. Any resolution or motion so rejected by the Chamber shall lapse, if it is not passed by the Chamber within a year from the date of the rejection.

#### THE COMMONWEALTH EXECUTIVE.

*Recommendations 22, 23, 24 and 25.*—The League generally endorses the recommendations subject to the following proviso to be inserted at the end of recommendation 23 (b) :—

"Provided that the Prime Minister shall select at least two of his ministers from the elected Moslem Members of Parliament."

#### HIGH COMMISSIONER, ETC., AND FINANCIAL CONTROL.

*Recommendations 26 and 27.*—The League accepts the recommendations.

#### THE PROVINCIAL LEGISLATURE.

*Recommendations 28, 29, 30 and 31.*—The League endorses the recommendations save the one about franchise as explained in the comment on recommendation 9.

*Recommendations 32 and 33.* The League accepts the recommendations subject to the following proviso :—

"Provided that the legislatures of the provinces, where Moslems are in a majority, shall elect an elected Moslem member of the legislature as its President and that the legislatures of other provinces shall elect an elected Moslem member of the legislature as its Deputy President."

*Recommendations 34, 35 and 36.*—The League agrees to these recommendations subject to the addition of the following new recommendation :—

*Recommendation 36-A.—Limitation on the discussion of religious subjects.* Notwithstanding anything contained in this Act or in any provision of any British, Indian or local law for the time being in force, no provincial legislature or any local body established under any law of the Commonwealth or any Provincial Government shall, without the previous sanction of the Governor, discuss any bill, resolution or motion affecting the religion or religious or social customs having the force of religion of any community whatsoever, and no such bill, resolution or motion shall have legal effect, unless three-fourths of the members representing such community in the legislature or local body and present at the session or the meeting vote in favour of the bill, resolution or motion. The Governor shall decide whether a bill, resolution or motion affects such a religion or custom and may, if satisfied that the religion or custom is not so affected, accord the necessary sanction for the discussion on the bill, resolution or motion or otherwise refuse such sanction. An appeal against such sanction may be preferred by any member belonging to the community affected to the Governor-General, whose decision shall be final.

*Recommendations 37 to 42.*—The League is in general agreement with the recommendations.

#### THE PROVINCIAL EXECUTIVE.

*Recommendations 43, 44 and 45.*—The League endorses in general the recommendations subject to the following amendments :—

Recommendation 44 shall be recast as follows :—

"The Governor shall appoint for every province an Executive Council consisting of not less than seven ministers. The Provincial Legislature may sanction for every Minister an allowance not exceeding Rs3,000 per mensem, exclusive of the travelling allowances."

The following proviso shall be added to recommendation 45 :—

"Provided that in provinces where Moslems are in a minority the Chief Minister shall select at least two of his ministers from the elected Moslem members of the legislature."

#### THE JUDICIARY.

*Recommendations 46 to 52.*—The League agrees to the recommendations subject to the following proviso to be inserted at the end of recommendation 46 :—

"Provided that the number of Moslems in the Supreme Court shall, with due regard to the requirements of efficiency, be at least one-third of the sanctioned strength of the Court."

#### HIGH COURTS—CONSTITUTION.

*Recommendations 53 to 66.*—The League generally endorses the recommendations subject to the following proviso at the end of recommendation 54 :—

"Provided that in provinces where the Muhammadans are in a minority at least one-fifth of the Judges of the High Court shall be local Muhammadans."

The League has been constrained to suggest the addition of the proviso with a view to avoid the repetition, in any other province, of the deplorable state of affairs prevalent in Madras where there is absolutely no Moslem representation on the High Court Bench, there being no Moslem among the fifteen Judges of the Court.

#### PROPERTY, REVENUE AND FINANCE.

*Recommendations 67 to 74.*—The League is in general agreement with the recommendations.

#### DEFENCE.

*Recommendation 75.*—The League approves of the recommendations subject to the addition of the words "the President of the Chamber of Princes," after the word "Staff" in item 7 of sub-clause (a) in recommendation 75.

*Recommendation 76.*—The League accepts the recommendation conditional upon the insertion of the words, "and the Chamber of Princes," after the word, "Representatives."

#### THE CIVIL SERVICES.

*Recommendations 76 to 84.*—The League is in general agreement with the recommendations.

*Recommendation 85.*—The League is strongly opposed to the recommendation as has been made clear in the comment on recommendation 21. The proposed new recommendations 21-A and 21-B will make it unnecessary to refer any difference between the Commonwealth and the States to the Supreme Court.

#### NEW PROVINCES.

*Recommendation 86.*—The League accepts the recommendation subject to the following proviso :—

"Provided that such redistribution does not convert the Moslem majority in any province into a minority and that when any language other than English be made the common language of India, that language should be Urdu written in Persian script."

The Indian Muhammadans deeply resent the mischievous propaganda carried on, under the guise of nationalism, by some interested persons to the effect that Hindi is the language understood in many parts of India and spoken by Muhammadans and

that it deserves to become the national language of India. The fact is that Hindi such as written in Devanagiri character is current in Benares and a few places around it and in some parts of the Bombay Presidency; whereas Urdu is the language mostly spoken and written in the northern parts of India, Bengal, Madras, Bombay and Sind. If a handful of persons in the four provinces have any inclination to learn Hindi, it is the result of anti-Urdu propaganda carried on by the Hindi Prachar Sabhas and Congress organisations; and the demand of the League that Urdu language may be made the common language is, therefore, based on bare facts and justice.

#### AMENDMENT OF THE CONSTITUTION.

*Recommendation 87.*—The League endorses the recommendation subject to the following proviso:—

“Provided that no such bill shall become law until it has been passed by a two-third majority of the members of the Chamber of Princes.”

#### COMMUNAL REPRESENTATION.

*Recommendations I to IV.*—*Legislatures.* The League is diametrically opposed to the recommendations about communal representation. It is strongly of opinion that the time is not yet ripe for the introduction of joint electorates. It fears that the comparative ignorance, poverty, and want of political awakening among the Moslem electors will make them tools in the hands of the candidates and clever election agents of the other communities. When even the officials in the Punjab think that in that province where the Moslems constitute 55 per cent of the entire population, the chances of a Muhammadan candidate as against a Hindu candidate in a joint electorate would be less, it can be easily imagined what the position of the Moslems of this Presidency would be, in case the system of joint electorates is introduced. It is true that a remedy is suggested in the reservation of seats for minority communities under joint electorates. But it is a poor consolation, for though the required number of Muhammadan candidates will certainly be elected by a Hindu majority, the sense of personal and party obligations to the majority will never allow them to boldly advocate Moslem rights as they otherwise would do. Another novel method suggested is that a purely Moslem electorate may elect a panel of Moslem candidates, out of whom the mixed electorate shall elect the required number. In the opinion of the League, this method will not be an efficacious remedy for the evil of joint electorates. Thus the Moslem position would become far worse than it is at present. The League, therefore, advocates Separate Electorates and Separate Representation in the legislatures on the population basis and also recommends that one-third seats in the central legislature should be reserved for the Moslems.

*Local Bodies.* In view of the fact that the field of local Government is the training ground for the future administrators of India and in view of the political importance of the Moslem community, it is

necessary that its members should have this training. This can be done by a provision that the presidency of all local bodies shall go by rotation to a Hindu, a Moslem and a Christian, as experience has shown that the enlightened Hindu Councillors feel great reluctance in having a Moslem President.

Steps should also be taken to give to the Moslems representation, proportionate to their population, in local bodies, such as the Local Boards, Municipalities, Universities and Bar-Councils. One might have expected that the very enlightened and political-minded electors to the Bar-Council and the Senate of the Madras University, who oppose the principle of separate electorates tooth and nail, would have by their action removed the misapprehensions that the minorities have about the efficacy of the joint electorates in getting them due representation; but it is an irony of fate that these electors have not elected one Muhammadan out of thirty elected representatives of the registered graduates in the Senate, while the advocates, belonging to a particular community have elected ninety per cent. of the members of their community, especially those having the good fortune of residing in the metropolis of the Presidency, of whom not one is a Moslem. The League is convinced that the attitude of such an enlightened electorate is a full justification for its demand for Separate Electorates.

*Public Services.* There is a clamour in certain interested circles that Communal Representation in services is the mortal enemy of Efficiency. Efficiency is the result of high mental and moral qualities, coupled with experience. If the Moslems as a community be less efficient as public servants—though as a matter of fact they have discharged the responsibilities of the highest posts of the State with credit and reputation—it can be due to the fact that they have very few opportunities of getting experience in such services. It is, therefore, essential that it should be provided by statute that the Moslems should be given their due share in the civil, military, naval, and aerial services. It may be pointed out that their courage and fearlessness makes them specially suited for the three last named services. Is there any need to add that they have special aptitude for police work, as admitted by the Inspector-General of the Bombay Police in his evidence before the Commission? In fact the acknowledged policy of the Government regarding the Indianisation of services will not prove a success, unless Moslems are more largely appointed to executive and other responsible posts.

#### REDISTRIBUTION AND STATUS OF PROVINCES.

*Recommendation V.*—The League is firmly of opinion that Sind should be separated from Bombay, irrespective of any financial or other considerations, and would suggest the deletion of the phrase in the recommendation beginning with “after” and ending with “necessary.”

*Recommendations VI and VII.*—The League has no objection to recommendation VI and strongly favours recommendation VII.

## MADRAS.

26th February, 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE, AND OF THE MADRAS PROVINCIAL COMMITTEE.

(DURING THE FIRST PART OF THE EVIDENCE OF THE MADRAS PRESIDENCY MOSLEM LEAGUE, LORD BURNHAM WAS IN THE CHAIR).

## Deputation from the Madras Presidency Moslem League.

The deputation consisted of :—

Mr. MAHOMED MUAZZAM, B.A., B.L. (Advocate), Secretary.

Mr. S. M. SHAREEF KHAN, B.A., Assistant Secretary.

Khan Bahadur S. K. ABDUL RAZZACK, M.L.C. Chairman, Saidapet Municipality.

Mr. MAHOMED MUKARRAM, B.A., B.L., Advocate.

Khan Bahadur MAHOMED SADULLA BADSHA, Ex., M.L.C.

Khan Bahadur MIR MUZHERUDDIN, B.A., Retired Assistant Director-General, Post and Telegraph.

Khan Bahadur M. ABDULLA GHATTALA, Advocate, was also present.

1. *The Chairman* : \* \* \* In the Memorandum you have gone on the basis of showing in what respects you agree with or differ from the recommendations of the Nehru Report?—(Mr. Muazzam) Yes.

*Sir A. P. Patro* : I do not know whether the deputation accepts the Nehru Report.

2. *The Chairman* : I will ask them. Is it the case that in the main you agree with the Nehru Report?—On the main points we differ, and that is with regard to separate electorates and—

3. I will take you through it ; but is it the case ? It was asked by Sir A. P. Patro whether you do agree with the Nehru Report in general, in the main?—In the main we differ.

4. Then I had better take you through it, and I will ask you on the points you make here whether you will explain yourselves. I see on point 4, Fundamental Rights, you want to add, after clause xvii, the words : "Parliament shall also make effective laws to develop indigenous industries by establishing industrial schools and by other means, to prevent the export of grain, especially rice and wheat, from India, and to provide employment for the poor citizens." That has got a rather familiar sound to some of us in reference to proposals at Home. Would you mind telling us exactly what you mean by that?—That is explained just below : "The League considers this addition indispensable, so that the starving masses of this country may get enough bread to eat and a piece of cloth to cover their shame. As members of the different Legislatures will be people belonging generally either to the rich or the middle class, they may not think it worth their while to undertake legislation for the sole benefit of the masses, unless there is a statutory provision compelling them to do so." As regards exports, we wanted to press the restriction of export of wheat and rice to a certain extent.

5. You think by preventing export you will improve the lot of the people?—Not preventing it, but placing restriction on it ; not allowing the free export of wheat and rice.

6. Would you apply that to Burma, too?—Yes ; it is a part of India.

7. That would destroy the trade of Burma?—It would not destroy it. I do not think the export

ought to be prevented, but some restrictions ought to be placed on it.

8. How would that provide employment for poor citizens?—That is something different, "and to provide employment for the poor citizens." That refers to the establishment of indigenous industries. That will provide employment for the poor citizens. The more the industries, the more the employment.

9. Have you, in your own mind, any special industries in this Presidency?—Cottage industries.

10. I want to get it clear. How do you propose to ensure employment which is not given on account of the market at present? What would you do? Would you give so much bounty for cottage industries ; would you make grants of money?—Yes.

11. Then you lay down that the following should be added as clauses (xx) and (xxi) : "No legislation affecting the religion or any religious or important social custom of any community shall be undertaken within the limits of the Commonwealth." Would you like to explain that?—Except in the matters thereafter provided. On page 258, recommendation (xxi) is : "No legislation affecting the relations of the Commonwealth and any Indian State or any State and a province or any Indian State with another shall be undertaken except in the manner hereinafter provided." That "except in the manner hereinafter provided" refers to (xx) and (xxi).

12. The last part is new, is it not? The twenty-first has not been proposed in any report we have had ; the part you have just read out?—I suppose you have got it there? It is in this Memorandum. It is page 258.

13. I understand you want to provide safeguards for your own community?—Yes, that is right ; and while we do that, we are providing safeguards for other communities also.

14. And you wish to provide that any Bill affecting the religion or any religious or important social custom of any community shall have no legal effect unless three-fourths of the members representing the community affected vote in its favour?—Yes.

15. Not only three-fourths of the members, but three-fourths of your own members?—Yes.

16. And who would enforce this? The Government of India? It is no good passing legislation unless you can enforce it?—That would form part of the Constitution. The Government of India would have to enforce it.

17. You might have it in the Constitution, but unless the individual citizen would enforce it in the law courts, it would be difficult to say where his rights were touched?—If a religious matter is discussed or moved or initiated, unless three-fourths of the Moslems (if it is a matter affecting the Moslems) agree to it, it will not become law.

18. But it is not legislation only ; it is administration. It may be in regard to Law and Order and Communal disorders ; it may be in regard to the Services, what proportion you think you ought to have in the Services?—I do not refer to the Services ; it is only with regard to religious or important social customs. This is what I say : "No legislation

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"affecting religion or any religious or important social custom."

19. You only mean the practice of religion?—The practice of religion.

20. That would arise in regard to communal disorders, would it not; because as a rule they take place on account of the violation of some religious custom?—Yes.

21. I come back to this. Who is going to enforce the law; the Government of the Presidency, or the Government of India?—So far as this province is concerned, the Government of the Presidency.

22. And you think those safeguards will be sufficient for the Mussulmans?—I think on that question the safeguard of three-fourths of the members representing the community voting for or against it will be a sufficient safeguard.

23. I understand that with regard to law-making; but law-making is a very small part of life, and I am thinking more of the daily life of the people. How are you going to enforce these things in that respect? But you are satisfied that it can be done by the Government of the Presidency?—I think so.

24. That means that the Governor or the Government will have to say whether the custom of your community is violated or not?—Yes, if it is a matter affecting the religion of any community—

25. Yes, quite so; but you have got to have that interpreted, and I presume it will be the Government of this Presidency, which may be, and probably will be, composed of people of other creeds than your own, and they will have to say whether the customs of your Muhammadan religion have been violated or not?—And whether it is a religious matter or not will have to be decided by the Government.

26. You have confidence in the Government—Brahmin or non-Brahmin—protecting your religion? Oh, I see you say in page 260 that the Governor shall decide?—Yes.

27. I did not notice that. Then that does not mean the Government; it means the Governor himself; not in Council, but the Governor himself?—Yes.

28. Then with regard to page 259, recommendations in regard to franchise, you propose that the franchise shall be the same both for the Central Legislature and the Provincial Legislatures?—Yes.

29. In both cases it shall be based on the payment of Rs3 for any purpose of taxation?—Yes.

30. You are not in favour of adult franchise?—With this exception, that the *purdah* system among the Muhammadans in India excludes a very large number of voters. Apart from that we have no objection.

31. I do not quite follow. You are in favour of manhood suffrage, you mean, and not of adult suffrage—that is, only for men?—Adult suffrage comprises females also.

32. But manhood suffrage obviously does not. You are in favour of manhood suffrage?—Yes.

33. But not adult suffrage; not men and women?—Yes, that is it. At page 259, we say:

"Such a franchise will prove disastrous to the Moslem community, in which, owing to the *purdah* system, many of the female voters will not be able to exercise their franchise."

34. And you would extend it also on an educational basis?—Yes.

35. I see you are in favour of the presidency of the Houses of Parliament going to Muhammadan, Hindu, and Christian by rotation?—Yes.

36. Without reference to the number of their representatives?—That is so. That refers to what are styled the Central Legislatures—the Houses of Parliament.

37. You are not in favour of a general right of discussing religious subjects, are you?—No, we are not.

38. As being too provocative; too dangerous?—Yes.

39. Then you are in favour—I understand this is connected with it—of separate electorates for

communal representation?—Yes, we favour that; we want that.

40. Have you anything special to say about that, beyond the general arguments?—The only thing I would say about the separate electorates is this, that we have experience of these mixed electorates in the municipal elections of the city of Madras, which is divided into a number of wards, and in each ward we have what are called the joint mixed electorates, Hindus and Muhammadans both voting for a certain individual. What happens is that even in a ward where these two communities may be equally divided in numerical strength, at the time that the electoral roll is prepared it is found that owing to the economic backwardness of the Muhammadan community there are a lesser number of Muhammadan voters on the electoral roll than there are of the Hindu community; and then, another difficulty is that in all these mixed electorates we have found that unless the Mussulman candidate—at least, that is our experience during the last two or three municipal elections—is backed up by the Congress party, he has not been successful. The two councillors we have now on the municipal corporation, who are Muhammadans, came into the council just because they were backed up by the Congress Party, and those whom the Muhammadans alone backed up were not successful, because of the large number of voters in the mixed electorates, who are Hindus.

41. You say that the reservations of seats "is a poor consolation, for though the required number of Muhammadan candidates will certainly be elected by a Hindu majority, the sense of personal and party obligations to the majority will never allow them to boldly advocate Moslem rights as they otherwise would do"?—Yes.

42. You say that under joint electorates the Moslem position would become far worse than it is at present?—That is so.

43. And then you say you must train Muhammadans for government; "train them in regard to local bodies for the future administration of India"?—Yes.

44. What about the franchise for local bodies and communal electorates? What do you think about that? You are in favour of having separate electorates for local bodies?—Yes. For instance, in District Boards we have not got even one President of a District Board elected—a Muhammadan, I mean. There is not one instance in which a single Muhammadan has been returned to any District Board unless he has come in by nomination; not by election; so far not one instance—so that even there we require a separate electorate for these statutory self-governing bodies.

45. What proportion would you ask for local bodies? You would have separate electorates for what proportion of the local bodies? Have you made out any proportion of Muhammadan members, say, on your local boards? Do you want them the same as in the Legislative Council?—Yes.

46. Then you deal also with communal representation in the Public Services?—Yes.

47. And you say Moslems are specially fitted for service in the military, naval and aerial services. You point out that their courage and fearlessness makes them specially suited for these services; but they are not debarred, as Muhammadans, from the public services, are they?—They are not.

48. In the military, naval and aerial services, it depends on recruiting?—Public Services are more or less a matter of patronage, apart from efficiency.

49. In the north, of course, I need not tell you, Muhammadans are a predominant part of the military service?—Yes.

50. Therefore, they are not debarred as Muhammadans. I am not talking of the Civil Service, but of the military, naval and aerial services?—We advocate the employment of more Moslems in the military services.

51. But they are a majority at present in the



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Punjab, I think?—That is only one province; but not in all.

52. But taking India as a whole, they are, possibly. My point is that nobody is debarred as a Muhammadan from being in the military service of the Crown; on the contrary, they are encouraged?—No, we do not for a moment say that.

53. You want them here; you want them in Madras?—Yes.

54. In regard to the Civil Service and the kindred Services, what do you think you ought to have there—what proportion?—So far as this Presidency is concerned, I think at least twenty per cent.

55. One-fifth?—And that has been fixed by the Staff Selection Board constituted by the Government.

56. That is for future recruitment?—Yes.

57. That is in excess of the proportion you have on the Legislative Council?—Yes.

58. And then you say, I believe, that in provinces where Moslems are in a minority, at least two of the ministers should be Moslems?—Yes. Since we have had these Reforms, from 1909 up to now, there has not been one Muhammadan minister in Madras.

59. Where Moslems are in a majority, as they are in the Punjab, what number of ministers do you require there? Do you require a majority of ministers?—The ministers there will be probably about the ratio of population. They are a majority, and probably the number of ministers will be reflected in that.

60. In Bengal, where you have a majority of the population, but not a majority of the electorate?—There, again, the Moslem ministers will predominate. They will naturally be in a majority.

61. Is your majority of the ministry, and the majority in any case, Hindu or Moslem, to be based on population or on electorate; because in some cases, as in Bengal, the majority of the population is not the same as the majority of the electorate?—We have not considered that question so far as our Presidency is considered.

62. Generally speaking, though, of course, as Moslems in India, you are not shut out from the Services?—We are not.

63. Are you in favour generally of what is called Indianisation of the Services?—Generally we are.

64. But not except Moslems are appointed to executive and responsible positions—I think those are your own words?—Yes.

65. You are not afraid of Law and Order being in the hands of a minister of another faith than your own?—I think for another ten years, or at least another five years, Law and Order should be in the hands of the Governor of the province.

66. *Colonel Lane-Fox*: Where do you say that in the Memorandum?—(*Khan Bahadur Mir Muzheruddin*) We have not said that in the Memorandum.

67. *The Chairman*: You thought that was implied? You are emphasising the Moslem's fitness for responsible offices?—(*Mr. Muazzam*) Yes.

68. Anyhow, you say definitely that you are in favour of Law and Order being reserved to the Governor for five or ten years?—Yes, and if we do away with the system of Dyarchy, and make every subject a Transferred Subject, and have no reserved subjects, even in that case we would advocate Law and Order to be in the hands of the Governor for another five years.

69. It is only fair to point out, of course, that that is Dyarchy in another form?—Yes, it is, but under the present conditions we feel it is necessary.

70. You would not feel safe without Law and Order being in the hands of the Governor?—No. In the course of time we may shift it to the ministers, but at present we do not think it is advisable.

71. *Mr. Cadogan*: There is one sentence I should like to ask about on the top of page 260, under the heading, "The Judiciary." You say: "Provided that the number of Moslems in the Supreme Court shall, with due regard to the requirements of

"of efficiency, be at least one-third of the sanctioned strength of the court." Surely, "With due regard to the requirements of efficiency," can only mean one thing. It means that you are not guided by the community to whom the individual belongs. Then, if that is so, I do not see how you could guarantee one-third of the sanctioned strength of the court to be of the Moslem community. I only ask this question because we have often had this suggestion that a certain proportion of posts in certain services should be guaranteed to a certain community, and I never know whether it means having regard to efficiency or without regarding efficiency at all?—What we say is this, on page 260, that the number of Moslems shall be one-third; but, of course, they ought to be efficient.

72. I do not say that there will not always be a sufficient number of Moslems to fill the posts, but it might be that there might not, if you had due regard to efficiency?—I do not suppose it is the case that Government cannot get at efficient men from the different communities. There are efficient men in every community, and whoever may be appointed ought to be thoroughly efficient to discharge the duties of a judge of the Supreme Court; but what we advocate is that the Moslem Judges on the Bench should be at least one-third of the total number.

73. Irrespective of their efficiency?—No.

74. It is possible that there might not be a sufficient number of competent people, and then I do not see how you can guarantee it?—We do not advocate a Muhammadan dummy to go into the High Court of Justice. Whoever goes there must be efficient.

75. *The Chairman*: I suppose you would like to know who would be the judge of that efficiency, Mr. Cadogan?

*The Witness*: The local Government.

76. *Colonel Lane-Fox*: As regards what you have said about objecting to the transfer of the subject of Police, its being made a transferred subject; I wonder why you say you want the present system to remain for another five or ten years? Do you think that the communal tension is going to be very much modified in five or ten years?—In the present conditions we do not think it safe for these two departments to be handled by the ministers, but in the course of another ten years we feel that there will be more harmony between the two communities.

77. But, surely, the test is not a period of time; the test is when the intensity of the feeling has died down; and if I was a Muhammadan I should certainly ask for somebody to be the judge of when it is safe for the Police to be transferred, when the tension had died down sufficiently. It is not a question of actual time, five or ten years; it is a question of the intensity of the feeling?—Exactly so.

78. Why do not you ask for the time when your community is satisfied?—That is what I mean. That is only approximate. It may be fifteen or twenty years. (*Khan Bahadur Mir Muzheruddin*) Or it may be two years.

79. *Sir A. P. Patro*: It may be never?—Just so.

80. *Colonel Lane-Fox*: Why do not you suggest that some authority should be set up as an authority to judge when your community feels sufficiently safe for this subject to be transferred? Would that be better than the plan of five or ten years?—(*Mr. Muazzam*) The idea was that in the course of another ten years or so the position may be better than now.

81. Supposing there was someone who had the power to judge?—I think there may be better feelings between the two communities in the course of another ten years, and then it may be time enough to get these subjects handled by the ministers. That is only approximate.

82. But if you give it a date, it is always dangerous; it means people agitating after that time?—The idea was that so long as this discord and dissension remains

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it is not safe to have these subjects handled by the ministers.

83. I see what you mean, but I think you are taking a very ineffective way of getting it. What you want is an authority to decide, not a particular time at which the decision shall be taken?—Not a particular time.

84. As regards what you said about not having sufficient representation in the army in India, of course it is a fact now that if India was handed over to complete Swaraj, the Hindu majority in India would find themselves in the position of being protected by a Muhammadan majority in the army, owing to the fact that the bulk of the army is recruited from the fighting forces in the north, of whom a large proportion are Muhammadans. Therefore you are very well represented?—We say we want more representation in the military services. The charge is sometimes levelled against the Muhammadan that intellectually he is far behind the other communities, especially in some provinces.

85. But I say to you that at this present moment the majority of the Indian army come from your community?—We are not talking of the sepoys only; we are taking note of the higher staff, commissioned officers, lieutenants, and so on.

86. *The Chairman*: But among the Indian officers you will find that the Muhammadans are in the majority?—(*Khan Bahadur Mir Muzheriddin*) That is all right, if there is a majority in our community.

87. *Sir A. P. Patro*: On page 259, at the bottom, you give your comment on Recommendation 9. Do you apply that to the Moslem constituency, or do you apply it to the whole of the Indians in the Madras Presidency?—(*Mr. Muzazzam*) This is so far as regards the Madras Presidency.

88. So far as your Moslem community is concerned?—Yes.

89. The franchise you propose relates only to the Moslem constituency?—Yes.

90. Do I understand that your Memorandum is based on the Nehru Committee's Report?—I cannot say it is based on it. We thought, after all, the Nehru Committee Report was an important document inasmuch as it was drafted by some of the well-known leaders—

91. That it is an important document, placing before the country the national demand?—It is not quite that. That is not what we wanted to say.

92. Do I understand you to say that the Nehru Committee Report contains the national demand, and that your Memorandum is based on comments on that?—We do not say it represents the national demand.

*The Chairman*: He said exactly the opposite, I understand.

93. *Sir A. P. Patro*: May I know what is your answer to that?—We do not say for a moment it contains the national demand of the country.

94. Then why did you take the Nehru Report as the basis for your Memorandum?—Well, we wanted to attack it, as a matter of fact. We have not made it the basis; we wanted to criticise it, and this Memorandum is in the form of criticism of that report.

95. You are accepting the majority of the recommendations, except those relating to Moslem representation?—I suppose the main point is relating to the communal representation. That is the most important point, in our view.

96. Please listen to me. Excepting the portion relating to the Mussulman representation, you accept the other recommendations of the Nehru Report?—No.

97. From beginning to end you say you accept the majority of the recommendations except those relating to the Moslem community?—Such recommendations as we think would not harm us, we accept, whether they are contained in the Nehru Report or any other report.

98. Could you say why you have taken the Nehru Report as the basis for your Memorandum?—Well,

we found that report referred to in almost every newspaper in the country for a number of months, discussed, re-discussed, and we thought that, after all, some weight ought to be attached to a document which purports to come from the signatories to that document, and this was the best opportunity to attack that document.

99. May I ask how you suggest the overthrow of the whole thing, as you say in the majority of cases you accept Nehru's recommendations?—If they are harmless, we do.

100. That is, if they are not against the Moslem interests?—Yes.

101. Is that what you mean?—I mean nationally, taking it as a national question.

102. So you agree that that is a national question?—Not that we agree. They have made mistakes on some questions. We have taken the Muhammadan question by itself in our comments.

103. You said Law and Order should be in the hands of the Governor or Government?—Not necessarily.

104. As a reserved subject?—More or less as a reserved subject, yes. The effect will be that it will be a reserved subject. That would be the practical effect of it.

105. You want to retain Law and Order still as a reserved subject, even though all other subjects are transferred?—Yes.

106. Do you agree to Revenue and Irrigation and Forests being transferred?—Yes.

107. Why? Is there a danger of communal representation being affected there? Why should you want those subjects transferred?—Law and Order are the departments which deal with the safety, with the tranquillity, with the peace of the country, and I suppose that is the foremost consideration in the administration of the country, rather than any revenue matter or irrigation matter.

108. You think Revenue and Irrigation are of minor importance?—Far minor importance than public tranquillity.

109. That is, without any safeguarding of the revenue interests of the province you can manage the whole of the province?—I do not say that. In point of importance, I would attach very great importance to public tranquillity and much less to Irrigation, or any other subject.

110. How long have you been an advocate?—About seventeen years.

111. In your experience of seventeen years, could you tell me any instance where it necessitated Law and Order being in the hands of the Governor?—Not that it necessitated that, as at present Law and Order is in the hands of the Executive Council.

112. But for the last seventeen years you could not say any instance where you would say Law and Order ought to be in the hands of the Governor?—No.

113. And Law and Order is administered by Indian members for nine years?—Yes.

114. And have you any reason to say that Law and Order has not been properly administered during these nine years?—They have been well administered.

115. What is your reason now for saying that Law and Order should be reserved?—The minister will be in charge of Law and Order if it is given into his hands, and the desire on the part of the particular minister, whoever he may be, who is in charge of these as transferred subjects, will be to please his constituency. That will be uppermost in his mind as a minister?—I mean to strengthen his support in the Council. That will be the main idea; that will be the uppermost idea.

116. In the Mussulmans, also?—Yes, any man, if he happens to be a minister.

117. The reason you assign, if I understand you correctly, is that the minister in charge of Law and Order under the responsible Government would be influenced by the party in the council?—Yes.

118. Now, you know from your long experience

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of seventeen years in the public life of this country that the Executive Council member cannot get on without depending upon the party in the Legislative Council?—He has to depend to a certain extent.

119. It is impossible for the Executive Councillor to get on in the Madras Council without depending on the parties?—But our actual experience—

120. I am asking about actual experience; I do not want imagination. Do you know, as a matter of fact, that an Executive Councillor on the Madras Legislative Council cannot get on without depending upon the parties in the Legislative Council for his subjects?—That is so.

121. What difference does it make if he becomes a minister?—There is this difference. The Executive Councillor is secure where he is. That idea of pleasing the party is not uppermost in his mind. It all depends upon how he acts at the moment to get a certain motion sanctioned.

122. I wish you had some experience of the Madras Legislative Council to understand this position?—I do not deny for the moment that he has to depend upon the support of a certain party; but that is not all.

123. You said that it should be five years or ten years before Law and Order may be transferred?—Yes.

124. Who is to fix this limit? Who is to decide that the psychological moment has arrived for the transfer of Law and Order? Is it the Governor, or the Parliament, or the Mussulmans; or who is to decide it?—No, not the Mussulmans, certainly. It is the Government.

125. Nor the Moslem representatives in the Council?—No.

126. But it is the Government?—Yes.

127. What is the Government, then? Who is the Government?—The Governor-General in Council.

128. Do I understand you that one-fifth of the judges of the Madras High Court should be Mussulmans?—One-fifth, yes.

129. And you want also two ministerships in the Madras Government?—If the number goes up to seven or eight. If the number of ministers is eight.

130. Nobody said about numbers. You do not say anything about eight?—We certainly do not want two out of three.

131. And one-fifth of the district judgeships and district collectorships, also?—Well, we are very poorly represented.

132. I am asking you on the question of your claims?—It is not a fixed ratio, one-fifth or one-sixth; but what we say is that we ought to be better represented in the Public Services than we are at present.

133. On page 261, you say: "The League, therefore, advocates separate electorates and separate representation in the Legislatures on the population basis and also recommends that one-third seats"—That is a mistake.

134. I am coming to that. Everything is a mistake. "The League, therefore, advocates separate electorates and separate representation in the Legislatures on the population basis, and also recommends that one-third seats in the Central Legislature should be reserved for the Moslems." So that is your claim, is it not? The whole of your argument on page 261 leads up to it, and the conclusion your League arrives at is representation according to the Mussulman population of this province?—Kindly delete "on a population basis."

135. You want to correct it?—That is to be deleted. That is a mistake.

136. Now let us turn to "Local Bodies." It cannot be a mistake there, also; "Steps should also be taken to give to the Moslems representation, proportionate to their population, in local bodies, such as the Local Boards, Municipalities, Universities, and Bar-Councils." Is that also a mistake?—No, that is not so.

137. That is not a mistake?—No.

138. So the whole predominant idea in the minds

of the League members was that there should be representation according to the population?—No, it is not so.

139. So these two statements you say are mistakes?—This one \* \* \* "The League, therefore, advocates separate electorates and separate representation in the Legislatures on the population basis"—that is not the idea; that is a mistake.

140. When did you discover that it was a mistake?—I think, yesterday.

141. Till then you did not look into your Memorandum at all?—We did, but somehow it was passed over without being noticed.

142. And also here, under "Local Bodies"?—That is all right.

143. Then you want in regard to this separation of provinces, the separation of Sind from Bombay: "The League is firmly of opinion that Sind should be separated from Bombay." Madras and Sind are very far from each other, are they not?—We have to refer to that, because that was dealt with in the Nehru Report. We do not press it.

144. I do not ask whether you press it or not; I am only indicating all this to show that you base your Memorandum on the Nehru Committee's Report?—We have taken up every question which has been dealt with by the Nehru Report, and where we thought that report was defective we have shown what our desire is, and where we thought it was defective in the way that it wanted to be supplemented we have supplemented it in some cases, and where we were in entire agreement we have shown that agreement in our Memorandum.

145. Just one more question. You are not satisfied that dyarchy is working well here and elsewhere. Have you any experience of the working of dyarchy?—We have had experience in our own Presidency that it has not been working properly.

146. And, therefore, you would recommend no further development, because the present position has not improved; dyarchy has not improved the present position; therefore you are not in favour of recommending any advance from the present stage? Do I understand that? You say dyarchy is not working satisfactorily, according to you?—It is not.

147. Therefore political education has not advanced in this Presidency so far as to take any further step in advancing?—Oh, no. We are politically advancing. That is what I say. We feel that we are politically advancing.

148. You believe we have been politically advancing from 1921 to 1929; you think the country here has advanced very far in political matters, political education, political responsibility?—I think it has advanced to some extent.

149. Nevertheless, you think that Law and Order should not be transferred?—So far as those two subjects are concerned, yes.

150. *Khan Bahadur Khalif-ul-lah-Sahib*: So far as the question of the transfer of Law and Order is concerned, you have not mentioned it in your Memorandum. May I take it that this question was not considered by your League?—Incidentally we discussed it, but we have not embodied it in our Memorandum. I might say that we were divided on the question.

151. You could not arrive at any unanimous opinion?—That is so.

152. And because there was a division of opinion you could not include it in your Memorandum?—Yes.

153. What you said just now in the matter is only your personal opinion?—I think it is the opinion of the majority.

154. *Sir Hari Singh Gour*: If it were the opinion of the majority it should have gone into the Memorandum?—As there was unanimity on all subjects except on the question of Law and Order, we did not include it in our Memorandum.

155. *Colonel Lane-Fox*: You definitely agreed to leave it out of your Memorandum?—Yes.

156. *Khan Bahadur Khalif-ul-lah-Sahib*: Having agreed to leave it out of your Memorandum what

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you have expressed just now is only your personal opinion?—Not only my own opinion, but also the opinion of some others.

157. It is by no means the unanimous opinion of your League?—No.

158. As regards the question of joint electorates you said that you have some experience of its working in the city of Madras?—Yes.

159. And you said that there were two Muhammadan representatives who were put up by the Congress. Do they not represent the Moslem view?—The electors feel, and rightly feel, that those who are returned by the Congress party, although they may be Muhammadans, do not really represent Muhammadan feelings and interests.

160. That is the view of the Moslem electorate here?—Yes.

161. It is on this basis that you want a separate electorate for Muhammadans?—Yes.

162. So far as the joint electorates are concerned, you know that they are in actual working in all the municipalities and District Boards?—Yes.

163. As you are aware, there are 25 District Boards in this Presidency. Ever since the franchise was given to these bodies has there been any case in which a Moslem has been returned for the Presidency of any of the Boards?—No, none has been returned.

164. Even as regards the election of Municipal Councillors, have they been returned in proportion to their population?—No.

165. And, therefore, the Government very often resorts to nomination to make up the proportion?—Yes.

166. That is the experience not only of one District Board, but of the Boards in the whole Presidency?—Yes.

167. You were referring to the one-fifth proportion that is to be maintained in the Public Services and to the G. O. which the Government of Madras has recently passed supporting this claim. The present representation of the Moslem community in the Public Services is very poor; it is not even according to the population basis. If I read your evidence correctly, what you mean is that you want one-fifth representation to be given in all the Services of this Presidency till you get your proportion, and that you will not be requiring it eternally?—Yes, that is so.

168. Do you press for one-fifth always, or only as a temporary measure to make up your proportion?—When once we get 20 per cent. we need not go further.

169. What you have said with reference to the Moslem community applies also to the other minority communities, I mean the Christians, the Depressed Classes, and so on?—Yes.

170. Are you in favour of recommending separate electorates for the Depressed Classes in this Presidency?—Yes.

171. *Mr. Siva Rao*: In the case of the transfer of Law and Order, in reply to a question put by Sir A. P. Patro, you told us that these departments have been in the hands of Indians, and they have been so far administered well?—Yes.

172. Have there been any instances in which the Legislative Council of Madras has not stood by Law and Order during the Reform period of 9 years? Has there been any conflict between the Executive and the Legislative Council in the administration of Law and Order?—None to my knowledge so far.

173. May I draw your attention to the recommendations made by Khan Bahadur M. Abdulla Ghattala, who wants that all the subjects including Law and Order should be transferred? Do you differ from him?—Yes.

174. Was he not a member of the Legislative Council?—Yes, he was for 3 years.

175. Your Memorandum, so far as I can see, has taken the form of criticism of the Nehru recommendations; in some cases you have differed from the Report, in some places you have suggested modifications. May I take it that in all other

respects you endorse the conclusions of the Nehru Committee?—As I have submitted already, the most important questions are separate electorates and a larger representation of Muhammadans in public services.

176. Subject to that reservation you endorse the proposals of the Nehru Committee as to the form which the Government in the future should take?—So far as we have expressed agreement with anything that is contained in the Nehru report you can take it definitely that we are in favour, but if we have not dealt with any question taken up by them I cannot express any opinion.

177. You said that your reference on page 261 to separate representation in the legislatures on the population basis is a mistake. What other basis would you suggest for representation in the Madras provincial legislature?—Fifteen per cent.

178. If it is not on the basis of population what is the basis on which you want 15 per cent.?—Whatever concession we may get here the same will be given to Hindus wherever they are in a minority; it will be reciprocal.

179. I am not talking about the reservation of seats for the Hindus. You say that you do not want to fix your representation on the population basis. If it is fixed on the population basis, so far as the Madras Presidency is concerned, your number will be about 8?—Yes.

180. Now you have got about 13. What basis would you fix for retaining the 13 seats?—We have 13 because of the Lucknow Pact.

181. In addition to separate electorates and separate representation would you still ask for a voice in the return of Hindu candidates from the joint electorates?—No.

182. *Mr. Thomas*: You said that you are in favour of manhood suffrage?—Yes.

183. Do you think that under the existing circumstances manhood suffrage will be a practical proposition in all the provinces? Would it not be a very great strain on the electoral machinery?—It will be.

184. In your Memorandum you recommend Rs3 tax?—That is so far as Madras is concerned.

185. Have you any special reasons why the same limit should not be fixed for other constituencies? The same limit may be fixed for all constituencies unless we want the Government to be more representative.

186. *Diwan Bahadur Reddiyar*: May I know, sir, if the Nehru Committee recommended the transfer of all subjects without any reservation?—Yes.

187. Have you got a copy of the Nehru Report?—Yes.

188. Will you please point out the particular recommendations of the Nehru Committee on which you say that they recommended the transfer of all subjects? You look at 22 and 23?—I do not find anything about the transfer.

189. Please read 28 and 29 also?—Number 28 says, "The legislative power of a province shall be vested in the King and the local Legislative Council." Number 29 says, "There shall be a Governor for every province who shall be appointed by the King and represent His Majesty in the province."

190. Read 43 and 44.—"The executive power of the province shall be vested in the Governor acting on the advice of the provincial executive council." "There shall be an executive council for every province consisting of not more than five ministers appointed by the Governor."

191. These are the recommendations of the Nehru Report on which you base your statement that the Nehru Committee have recommended the transfer of all subjects?—I do not think our Memorandum mentions that.

192. Your Memorandum does not specifically say so. But you told me that according to your reading of the Nehru Report that report has recommended

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the transfer of all subjects?—Yes. (At this stage Sir John Simon took the chair.)

193. And you base that statement with regard to the "Provincial Executive" on recommendations Numbers 43 and 44?—No.

194. May I point out that in your Memorandum you accept these recommendations subject to some amendments which do not touch this question at all. Read page 260 of your Memorandum. You say "The League endorses in general the recommendations (Numbers 43, 44 and 45), subject to the following 'amendments,' and you give only two amendments?—We have not gone into the question fully.

195. You have accepted those recommendations subject to two provisos?—I do not think we have dealt with the transfer of subjects.

196. Very well, I do not want to press the point. This Memorandum was passed at a meeting of your League?—Yes.

197. And it was not reconsidered or in any way modified at subsequent meetings?—Yes.

198. *Sir Arthur Froom*: With regard to the question of the transfer of Police, in reply to a question put by Colonel Lane-Fox you said that at present your League was against the transfer of Police to a minister and you fixed the period at 5 or 10 years. Colonel Lane-Fox suggested that there should be some referee to decide this question—either the Governor of the province or the Governor-General in Council. I put it to you that after a certain period the question may be decided by common consent?—Yes I agree that it should be decided by common consent.

199. *Mr. Khabhai Premchand*: On page 261 you say that your League is strongly of opinion that the time is not yet ripe for the introduction of joint electorates. How long do you think it will take before joint electorates could be introduced?—It is difficult to say how long it will take.

200. Will you agree to a certain time limit being fixed for separate electorates?—I do not think I can do that.

201. You do not agree to a time limit being fixed for separate electorates and then automatically, after that period, to go to the joint electorate?—No, I do not think we can fix any period like that.

202. You would not fix any period, but would leave it to the future council to decide after a certain period to abolish the separate electorate or not?—We cannot specify any period.

203. When you are referring to your criticisms on the Nehru Report, do you submit the Nehru Report along with your Memorandum to the Conference?—No, we do not do it. We have submitted our Memorandum.

204. *Raja Nawab Ali Khan*: Your grievance is that there are no elected Moslems as chairmen on the local bodies?—Yes.

205. There are nominated Moslem candidates as chairmen of such bodies?—Yes.

206. And what about the municipal boards? Are there any Moslem chairmen on the municipal boards?—Yes, there is one here by my side.

207. *Khan Bahadur Khalif-ul-lah Sahib*: There are more.—Yes, there are about half a dozen.

208. *Raja Nawab Ali Khan*: Who elects the chairmen?—The councillors.

209. They are elected through a joint electorate?—Yes, on a small scale.

210. *Sir Hari Singh Gour*: When was your League formed, this Madras Presidency Moslem League, of which you are the spokesman?—In 1907, I believe.

211. Are you affiliated to the Indian Moslem League?—We are affiliated to the All-India Moslem League.

212. Of which Mr. Jinnah is the chairman?—No, Sir Muhammad Shafi.

213. That League came into existence only after the Statutory Commission came into this country?—Well, we have two All-India Moslem Leagues at present. That is the position.

214. Your Moslem League came into existence in

1907 and was affiliated to the Indian Moslem League?—Yes.

215. Who was your chairman in 1907?—Sir Ali Imam, if I remember right. What happened was that during the days of the Non-co-operation movement these Leagues, wherever they were, were not working, and they were revived as a matter of fact only recently.

216. Your case is that this Moslem League was a branch of the Moslem League of India when it was started in 1907. It was more or less in a dormant state till its activity was revived with the advent of the new Reforms?—I cannot say that.

217. Then what can you say?—Even before that I should say it was working actively.

218. That is the assumption I made when I asked you as to who was your president in 1907?—I cannot remember.

219. Do you know who was your president at any time before the splitting up of your League into two sections?—Before the splitting up of the League?

220. You have said that the All-India Moslem League has been sub-divided. Before its division who was the president?—I do not remember.

221. Was there not a permanent president?—There was one. Mr. Jinnah was a permanent president.

222. When did this Moslem League divide itself into two sections?—Two years ago.

223. Is it not a fact that the Punjab Moslem League has no branches anywhere?—It has branches.

224. Where?—Ours is a branch.

225. It is the only branch?—I do not know that.

226. Have you got any terms of affiliation or any correspondence with Sir Muhammad Shafi's League to show that you belong to that League? You say you belong to that League?—Yes.

227. And you do not know as to who are the other leaguers?—No.

228. When did you become affiliated to Sir Muhammad Shafi's League?—Two years back.

229. Is yours a registered body?—It is not a registered body. The All-India Moslem League is a registered body.

230. But Sir Muhammad Shafi's League is not a registered body yet?—I do not know. We have been having this League for a number of years.

231. You said two years?—Even prior to that.

232. Prior to that you were a part of the All-India Moslem League?—Yes.

233. And you know that the All-India Moslem League and Sir Muhammad Shafi's League do not see eye to eye on certain points?—Sir Muhammad Shafi's League is the All-India Moslem League.

234. I simply call it so because it is an offshoot of the old one?—You can call it the Jinnah League.

*Lord Burnham*: I suppose the right thing would be to say, Jinnah's League and Shafi's League.

235. *Sir Hari Singh Gour*: I am concerned here only with facts?—As a matter of fact, I do not believe that any League has been registered.

236. How many members have you got?—We have got between 700 and 800.

237. Can you furnish us the names of the members?—Yes.

238. Have you got any rules?—Yes.

239. Do you publish your proceedings?—Yes.

240. How often have you held your meetings?—Last year, I believe, we had about eight meetings.

241. *Sir Hari Singh Gour*: When was this draft presented to the Statutory Commission passed?

*Lord Burnham*: If we pursued this matter much further, we should be right off the track of our present enquiry.

242. *Sir Hari Singh Gour*: I am on the very threshold. I am examining his credentials.

*Lord Burnham*: Would it not be satisfactory if we obtained the published account of the formation of the League and handed it in to the Secretaries?

243. *Sir Hari Singh Gour*: The point I wish to know is, how many people attended the League

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when this draft was passed?—We held the meeting in October last.

244. How many people attended the meeting?—About twenty, I think.

245. *Lord Burnham*: Has Mr. Jinnah's Association got a branch at all in Madras?—Just as there are two All-India Moslem Leagues there are two Madras Presidency Moslem Leagues in Madras at the present moment. One is affiliated to the Jinnah League and the other to the Shafi League. I would not call either the All-India Moslem League.

246. *Sir Hari Singh Gour*: So the All-India Moslem League has now become the Jinnah League and the Shafi League?—Yes.

247. Out of twenty persons, how many voted for the transfer of Law and Order?—There was no vote taken as regards that. We discussed the matter and then we found that the majority was not in favour. So far as these recommendations are concerned they were unanimous.

248. I am talking of Law and Order. So just confine yourself to answer the strict question put to you. No vote was taken as to how many persons were in favour of the transfer of Law and Order, and how many against?—Yes. So far as these recommendations are concerned votes were taken. Then, alongside, we were discussing the other point also, and if I remember aright four were in favour and sixteen against.

249. A majority of persons were against the transfer of Law and Order?—Yes.

250. Why did you not mention this very striking fact that, with the exception of four dissentients, sixteen members were against transferring Law and Order?—As I said, the points on which we were unanimous were incorporated in this Memorandum. The rest was ignored.

251. Now, was there any meeting after October to place this draft before the meeting and take their votes?—Yes.

251A. When did you convene the meeting?—(*Mr. Sharif Khan*) The first meeting was in executive committee and this Memorandum was adopted in the executive committee, and then it was placed before a public meeting in the early part of November.

252. *Mr. Hartshorn*: At that public meeting twenty person were present?—About three hundred persons were present.

253. *Sir Hari Singh Gour*: Then, after it was passed, you had no meetings of the League to discuss the draft?—(*Mr. Muazzam*) No.

254. Up-to-date?—No.

255. This draft was drawn up by the executive committee and passed by the public meeting of your League as a final draft. When you went back on that draft on the question of election on a population basis, did you consult your League and tell them that it was a mistake and that you wished to withdraw from it?—This point was noticed for the first time yesterday.

256. What time did you notice this for the first time?—In the evening.

257. Did you take early steps to inform the Secretary of the Statutory Commission that a most flagrant mistake which cuts at the very root of your draft had been noticed by you?—I mentioned this to Mr. Khalif-ul-Lah.

258. Did you inform the Members of the Statutory Commission?—I have not informed, but I took the opportunity of mentioning it to Mr. Khalif-ul-Lah.

259. Before your attention was drawn to it did you mention that before you gave evidence you wished to point out to the Joint Free Conference that there was a very serious mistake in the whole of this draft, which you wanted to correct?—I think I should have done that.

260. But you did not do it?—No.

261. Now, you have admitted in this draft, at page 261, that "it fears that the comparative ignorance, poverty and want of political awakening among the Moslem electors will make them tools in the hands of the candidates and clever election

"agents of the other communities." You admit that your community is comparatively ignorant, poor and lacking in political training and experience?—Yes, compared to the Hindus.

262. And you also admit that your economic backwardness is a very serious handicap to the advancement of your community?—Yes.

263. Now, if a Parliament wishes to improve the condition of your people and wishes to discuss certain institutions, certain customs which stand in the way of your national advance, which your well-wishers are naturally anxious to remove because they act as a drag upon your social and economic progress, why do you prevent the Councils or a future Parliament from discussing those questions? Are you not in favour of the social advancement of your own community?—Religious questions?

264. I am not dealing with religion. I think you know the distinction between social advance and religious advance?—Social questions can take the form of religious questions, and generally do. They overlap one another.

265. You and I know the distinction between social and religious questions?—I will give an instance of how a social question can become a religious question.

266. I am concerned with the question when it does not become a religious question?—Purely social questions, of course, may be discussed.

267. You object to religious questions being discussed, but you say you have no objection to questions connected with social customs being discussed?—Yes.

268. Now, coming to the Nehru Report, clause 13 of that report dealt with at page 250 of your Memorandum, is a clause which deals with the power of Parliament?—Yes.

269. And you say it has the power to make law for the peace, order, and good government for the Commonwealth in relation to all matters?—Yes.

270. "For the nationals and servants of the Commonwealth," and so on, and "for the Government officers, soldiers," etc., and "for all persons employed or serving in or belonging to the Royal Indian Marine," etc. "For greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that notwithstanding anything in this Act the legislative authority of the Parliament of the Commonwealth extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule I." And then you say in your Memorandum: "The following proviso shall be added at the end of the recommendation." If you add this proviso at the end, you will be satisfied with clause 13?—I should think so.

271. But then that would contradict the whole of the rest of your draft?—How?

272. I shall point out to you. Those are plenary powers of Parliament to legislate for the peace, order and good government of which Parliament is the sole judge. There is absolutely no appeal against the supremacy of this Parliament, and if you add that proviso, it affects the whole of your draft?—I beg to differ.

273. What is the good of differing from me? You may differ from me, but you cannot alter the facts. If you alter that clause in the way you suggested, it gives Parliament complete power. Parliament is the final and ultimate authority over which and above which there is no such thing as Governor, or the King in Council or the Supreme Court?—That clause is subject to this proviso so that puts a restriction on the power of Parliament.

274. I have added that proviso, and having inserted that, you have done away with the reservation of Law and Order for five or ten years, or any number of years. You have finished with that and there is no question of reservation of Law and Order after that?—As I said, the matter was discussed, and we did not incorporate it in our Memorandum, because—

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[Continued.]

275. I am not concerned with that. You have already told us that you stand by Clause 13 with your proviso added. Therefore, I asked you that question whether you were prepared to accept that clause with that proviso, and you said yes?—Yes.

276. Then in that case your opinion that Law and Order should be reserved, and all that will disappear?—I fail to see how this clause affects the reservation of those subjects.

277. It says that Parliament has got all powers to make laws for peace, order and good government. It has got the law-making power. Anyhow, I do not want to pursue that matter. What is your object, you want the creation of a national India or a Moslem India?—Our ultimate object is a national India.

278. Therefore, everything else is subservient to the creation of a national India, and as such you ask the Joint Free Conference to concert such plan as will ultimately be conducive to the creation of a national India?—Yes.

279. *Sir Zulfiqar Ali Khan*: You said that your League is affiliated to the All-India Moslem League?—Yes.

280. As a matter of fact, in this country there are two Leagues, one at Lahore and the other at Calcutta?—Yes.

281. One of the Leagues is under Sir Muhammad Shah and the other is under Mr. Jinnah, and the *raison d'être* for the existence of those two separate Leagues is evidently the difference of opinion on the question of separate electorates?—Yes, that is the main question.

282. This question came into existence, you remember, in 1900, when the first deputation of the Muhammadan community waited on Lord Minto at Simla?—Yes.

283. After that, this question has been in India as an expression of policy on the part of the Muhammadan community?—Yes.

284. You will admit that it exists in this country as the mainspring of the Muhammadan policy?—Yes.

285. In demanding these separate electorates for the Moslem community in your Presidency, you are only voicing the sentiments of the Muhammadans as a whole all over India?—Yes, in the matter of separate electorates.

286. With regard to the other questions which you have dealt with in your Memorandum, have you taken the approval of the Central League at Lahore in regard to those proposals?—No.

287. By your constitution are you not obliged to take the sanction of that League?—I do not think so.

288. Supposing you differ in some points from the political tenets of that body, then you are no longer affiliated to that body?—Of course not. The main question on which we are at one is the question of separate electorates. It is only in regard to that main question that we are not in agreement with the Jinnah League.

289. You said that there are about half-a-dozen chairmen of local bodies who are Muhammadans?—Out of 84 municipalities, there may be four or five.

290. Will you please tell me to which part of the Presidency these chairmen belong?—One is in Saidapet, about five miles from here.

291. *The Chairman*: May I know who is the chairman of that municipality?—Khan Bahadur Abdul Razzak.

292. *Sir Zulfiqar Ali Khan*: What is the ratio of the Muhammadan population there?—(*Khan Bahadur Abdul Razzak*) It is about one-ninth.

293. Then, if you are returned by this constituency what fear have you got with regard to joint electorate?—The members are elected by the ward electorates, and the chairman is elected by the ward councils. In the ward elections there are Muhammadan voters also, about one-fourth or one-third in some wards. In some wards they go unrepresented. The municipality is a compact place with a limited area. I am sorry to have to speak on my own

behalf. I am a native of that place. I am very popular there, and that is why I have been elected. I have been continuously serving my municipality for the last fifteen years. However, this solitary instance cannot be compared with other municipalities in the Madras Presidency, because there will be no other instance to be found like mine. Out of 84 municipalities in the Presidency, I think there are only four or five which have got a Muhammadan as chairman, but then in those few cases you will find that about 50 per cent. are Muhammadans. Negapatam is an instance in point.

294. Can you not depend entirely on your special circumstances?—No. For instance, I cannot myself claim to become a President of the Chingleput municipality, and no Muhammadan in the Madras Presidency can dream of becoming a chairman of any District Board through election. (*Mr. Muazzam*) My friend is the exception which proves the rule.

295. Then on the question of the transfer of Law and Order, you say that you would rather have Law and Order as a reserved subject for the Presidency till the communities have peace among themselves?—(*Mr. Muazzam*) Yes.

296. And you cannot fix any definite period for that peace to come up?—No.

297. I think what you mean by that is that as soon as there is peace between the two communities, directly you are willing to transfer Law and Order, is it so?—Under the present condition it is not advisable that Law and Order should be placed in the hands of a Minister. I would not fix any time. Until some time has elapsed, until the relations between the two communities grow more harmonious, and until they decide between themselves to have it as a transferred subject, it should be in the hands of a Governor. That was my suggestion.

298. *Dr. Sukrawardy*: Are you aware that in 1900 the Muhammadans headed by His Highness the Aga Khan waited on Lord Minto and formulated the Moslem demand?—Yes.

299. Is it not a fact that among the various demands that we placed before Lord Minto, a demand for separate electorates, not merely separate electorates, but also separate representation, and not merely separate representation on the population basis of the Mussulmans, but also based on their historical and political importance was placed before Lord Minto?—Yes.

300. Is it not a fact that when in last December His Highness the Aga Khan presided over a conference of all Moslem parties in Delhi, the same demands were reiterated?—Yes.

301. May I take it that in page 261 of your Memorandum where you say: "The League, therefore, advocates separate electorates and separate representation in the legislatures on the population basis," you now say that it is a mistake and that the basis should be their "Political importance"?—Yes.

302. You say that you want representation in excess of your population basis on the ground of your political importance and other considerations?—Yes.

303. *Sir Hari Singh Gour* put certain questions to you in regard to your social matters and you said that you have no objection to purely social questions being discussed in the legislature?—Yes.

304. May I enquire whether *Sir Hari Singh Gour* has now got a number of Bills pending in the Legislative Assembly affecting various social matters in India?—Yes.

305. Would those things be considered as affecting the religious and social questions of the Mussulmans?—I think they will be considered as affecting their social questions.

306. You say that: "Clause (xx) is necessary with a view to preventing the majority communities from tyrannizing over a minority community by interfering with the latter's religious and social customs"?—Yes.

307. You say on page 259, "provided that, not-

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[Continued.]

"withstanding any provision in this Act or in any British or Indian Law for the time being in force, the Parliament shall not, without the previous sanction of the Governor-General, discuss any Bill, resolution or motion, affecting the religion or religious or social customs having the force of religion of any community whatsoever and no such Bill, resolution or motion shall have legal effect unless three-fourths of the members, representing such community in the Parliament and present at the session, vote in favour of the Bill, resolution or motion." Is it not a fact that the politically minded Mussulmans are necessarily religious minded? Are you aware that Mr. Jinnah is the leader of a group of Moslems in the Assembly, for instance?

*The Chairman :* We need not take any instance.

*The Witness :* There are very few like that. There may be some.

208. *Dr. Suhrawardy :* The object of my question is this. In view of the fact that there is difference amongst the Moslems—there are different sects of Moslems for instance and what is considered lawful by one sect may be considered unlawful by another—would it not be a better safeguard if you have instead of what is stated in the Memorandum, a sentence to the following effect: "that if a substantial minority or influential minority of the members of that community object to the resolution," or something like that?—You want to put it the other way?

309. Yes, in view of the present conditions. There is the Child Marriage Bill for example?—Yes, that is a better safeguard.



**Memorandum submitted on behalf of the Depressed Classes of the Madras Presidency by the Committee appointed by the Conference held on the 29th January, 1928, at the Pachaiyappa College Hall, Madras.**

**GENERAL.**

The Depressed Classes of the Madras Presidency form nearly one-fifth of the total population and are subjected to innumerable disabilities and oppressions by the rest of the population. The early history of the Depressed Classes and their present condition of appalling degradation are monumental proofs that their forefathers were treated by their countrymen in a manner worse than the beasts. In the name of the man-made system of caste, demoralising and degenerating in its effects, and which in fact, is a negation of "Equal opportunities to all," the so-called high-caste people, availing themselves of their numerical majority and wealth, deny to us even the very elementary rights of citizenship. It is well-known that we are treated as untouchables, unapproachables, unseeables and, might we say, unthinkable. This spirit of oppression is carried to such a degree that we are denied access even to roads, tanks, wells, springs, schools, hospitals, choultries (inns) and other institutions maintained with public funds. We are segregated in despicable *cherries* and slums and designedly kept out of contact with the rest of the people. We are mainly agricultural labourers and form the backbone of the Revenue Administration of, and great asset to, the country. That we are now landless does not however belittle our important position we occupied from time immemorial in the affairs of the State. In fact, we have always been on the soil and attached to it, even though the legal ownership thereof may have changed hands from time to time. Any attempt to improve ourselves is viewed with jealousy and malice by the caste people who, in spite of their professions on political platforms and elsewhere, are, in practice, opposed to, and even throw obstacles in the way of, our progress. Others even argue that, by birth, we are doomed only to servitude and illiteracy thus invoking the aid of the "Law of Karma." We are extremely anxious to point out that every argument, religious, social or political, is used by them to keep us in a state of serfdom which, it will be realised, a lazy land-owning class is interested in doing. Had it not been for the advent of the benevolent Britisher, we assert that our position would have been still worse, and what little progress we have had so far would not have been a fact. Here we make bold to suggest that our progress and the solution of what is now the most difficult and knotty problem in India, namely, the upliftment of the Depressed Classes would have been an accomplished fact if the Britisher had at the very inception taken the necessary steps to remove untouchability and other social iniquities that we are subjected to.

We feel that we ought to make our position clear to the honourable members of the Commission that their present task will be rendered ineffective and useless should they be of opinion that the questions relating to the Depressed Classes do not come within the scope of their enquiry, but that they should be left purely to public opinion in India. Government, and particularly Responsible Government, is but a society organised in a particular manner for certain purposes, and, when a community is beyond the pale of society it will also be beyond the pale of Government if the constitution does not take into consideration the questions and problems relating to that community and make special provisions to safeguard its interests. Whatever constitution the Indian Statutory Commission may ultimately frame for India it is earnestly hoped that the facts set forth above will be kept in mind and proper safeguards provided for the Depressed Classes to enable them to retain and utilise the political power. In the light of these circumstances we make the following suggestions:—

**1. Representation in the Legislatures:**

- (a) That the number of seats in all the legislatures should be in proportion to our population.
- (b) The mode of representation should contain at some stage or other an elective element.

**2. Representation in the Government:**

- (a) At least there must be one member of the Depressed Classes in the Government of India (Governor-General's Executive Council).
- (b) At least two seats should be reserved for the Depressed Classes in the Provincial Government. (Provincial Cabinet.)

**3. Representation in the Services:**

- (a) *Military:* Fifty per cent. of the officers recruited and the majority of the men in each unit of the army should be recruited from the Depressed Classes.
- (b) *Navy:* Do. Do.
- (c) *Civil Service:* Proportionate representation in all the Civil Services, Imperial and Provincial, with special arrangements, should be provided for the Depressed Classes. Special arrangement should be made for the recruitment to the village officers and the police. The system of hereditary village officers ought to be promptly abolished and circumstantial chances ought to be given to the deserving members of the Depressed Classes.

**Economic Position:—**The lot of the agricultural labourer belonging to the Depressed Classes is not at all a happy one and he is virtually, though not technically, a serf. The terms and conditions of labour are too exacting and hard to think of. They do not get living wages and the hours of work are unlimited. Wages should therefore be paid in coin and not in unwholesome grain in short measures. The lands leased out to them by the caste Hindus are not often registered and the terms are very exacting. There should be a law protecting the agriculturalist from all such oppressions. One solution that suggests itself to our mind is that the Government should start agricultural colonies in each district for the Depressed Classes and introduce therein the latest methods of production.

**Education.—**We need not stress upon the obvious importance of providing special facilities for the education of the Depressed Classes. Industrial and vocational schools and a large number of scholarships ought to be provided for. Free Compulsory Education should be introduced and special scholarships for higher education in foreign countries should also be given.

**Special.**

- (a) Government ought to introduce social legislation with penal clauses for the improvement of the conditions of the Depressed Classes particularly in respect of untouchability.
- (b) The subject of the "Depressed Classes" should be made a portfolio under the charge of the Depressed Classes Member in the Viceroy's and the Provincial Executive Councils and in each province the "Protector" of the Depressed Classes should be assisted by a Board composed of the members of the Depressed Classes.
- (c) A certain definite proportion of the Revenues of the Central Government and Provincial Governments should be set apart and earmarked for the work of the Depressed Classes.

We, in conclusion, pray that the honourable members of the Statutory Commission may be pleased to pay,

## DEPRESSED CLASSES OF THE MADRAS PRESIDENCY.

[Continued.]

as we have no doubt they will, their earnest consideration to the solution of the problem of the Depressed Classes and request that the Chairman may be pleased to give us a further opportunity to furnish details later.

SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE  
PRESIDENT OF THE MADRAS DEPRESSED CLASSES  
CONFERENCE OF 1928.

The Committee appointed at the Depressed Classes Conference of the Presidency of Madras, held at the Pachaiappa's College Hall, on the 29th January, 1928, to submit a Memorandum to the Indian Statutory Commission, has already submitted its Memorandum to the Commission. The Conference was a public one and of a representative character, in which the members representing the Depressed Classes on the Legislative Council, Presidents of Associations and delegates from the Districts and leading men took part.

I, as the President, beg to submit the following Memorandum as a supplement to the one submitted by the Committee, showing the condition of the Depressed Classes before and since the advent of the British in India, their Political advancement, the effect of the introduction of English education, the Indianisation of the Services, the Local Self-Governing Institutions, the Revenue Department, Untouchability, Conversion, Depressed Classes Welfare, Dominion Status and granting of full Self-Government. The Depressed Classes are of the Dravidian race. When the Aryans immigrated and settled in Southern India those portions of the Dravidian population that had not embraced the caste system were cut off from all connections with the caste-bound communities, as unsociable. The Depressed Classes (Dravidians) organised their own Community on a self-supporting basis and lived in separate locations, now known as *cheries*. Since then, the Caste Hindus worked against them, taking away their rights and privileges, depriving them of their lands and all means of making a living, and despising them as untouchables. Many of the Dravidians left in groups and assumed caste system. When the Muhammadans invaded India and came to the South, a great number of Dravidians were converted to Islamism. At that period the strength of the Dravidians was very low and oppression from the Caste Hindus was high. When the Britishers began to rule India, though they abolished the slave system and made laws common and applicable to all, irrespective of high and low caste and colour, they never ventured to abolish the system of caste—a system which enabled one section of the people to rule over the other by oppression. But they adopted a policy to reserve education in Arts and Science for the high caste people only. Such a policy strengthened the hands of the higher classes to oppress the Dravidians more and more as they gained possession in service in all branches of the administration, while the Christian Missionaries, who followed the British, converted the Depressed Classes in large numbers.

Further, the local Self-Governing institutions and Panchayats (village Boards and Courts) completely placed the Depressed Classes at the mercy of the oppressors. The oppression is felt more keenly than ever before, the Britishers remaining the nominal rulers.

Such being the condition of the oppressed untouchables the granting of full Self-Government to India in any form is to condemn unjustifiably for all the future generations the sixty millions of peace-loving peasants and field labourers, who have been loyal to the British Throne, in this great agricultural country.

I, therefore, am of opinion that steps at giving Self-Government should be by slow stages.

## POLITICAL ADVANCEMENT.

It is said in some quarters that the plea now advanced by the British Government against the political advancement of India is the deplorable

condition of the Depressed Classes, and this is brought to the forefront as if they are solicitous of the welfare of the Depressed Classes and that the Depressed Classes are blissfully ignorant of their own depressed condition, and that they are unconscious of the political, social and economic disabilities under which they are labouring. This is incorrect. For as long ago as 1892 the Depressed Classes formed a Society of their own under the name of the Pariah Mahajana Sabha and conducted a journal under the name "*Pariah*" and ventilated their grievances and disabilities through its columns and sent in a Memorial to the British House of Commons against the holding of the I.C.S. examination simultaneously in England and India as they thought that that would do immense harm and prayed that they should be secured against the tyranny of the caste system, *Untouchability*, which so long as it remains unremoved will crush them in the future as it has crushed them in the past, bringing discredit on the Government and arresting the progress of a people, who need but development of their character by education and improvement of their social position by effacement of the cramping and demoralising caste system which has hitherto held them in the grip of vice to become one of the most potent factors in the regeneration of the country and the strongest bulwarks of the British rule pregnant with great potentialities. Ever since that epoch-making event, the untouchables have continuously been making political agitation and since the reforms of 1919, the Government had to deal with the Depressed and the Backward communities. It was only since the Reforms that the high class Hindus commenced to write and make platform speeches openly about the removal of untouchability with a view to gain Self-Government.

Before introducing a system of democratic Government into India, the British Government, who had experience of more than a century and a half of ruling mixed races here and elsewhere should have waited to see that benefits of Western education, which they introduced, have reached the lower strata of society as well. But the way in which the British Government have yielded to the incessant agitation and demands of the higher strata of the Indian society and brought about these Reforms acts as a pressure brought to bear upon the lower classes from above. The Depressed Classes do not understand and are not prepared to take part. Besides it has proved as a measure adopted for the high caste oppressors to rule over the lower Depressed. I, therefore, consider the extension of the degree of responsible Government should be to the extent the Depressed Classes of the country are able to share that responsibility by the improvement of their educational and economic standards. The Government should bestir themselves in this direction if they are bent upon introducing responsible Self-Government.

The strength of the conservative caste element is so great as to place obstacles in the way and retard the future progress of the Depressed Classes. If the fear that seems to have been entertained by the British Government that if the Depressed Classes are elevated above their station in life by means of education, it would lead to general convulsion of which the foreigners will be the first victims be true, it is high time that the British Government should change that idea and hasten the growth of education and general improvement of the Depressed Classes.

## EDUCATION.

The Policy of the Government a century ago seems to have been to educate in Western Arts and Science Indians of high classes who had wealth and influence over the minds of their countrymen, so that English education and civilization may gradually descend from the higher to the lower classes and that the higher classes may be fitted to share in the Civil administration of the country.

The Government should have been well aware at

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[Continued.]

the time that the lower classes were hated and despised by the higher classes, but they never thought that by such an education and a share in the administration the higher classes would be helped to oppress the lower. The Government should have sought means to impart Western education to the Lower Classes by degrees in order that they may be enabled and prepared to withstand the tyranny and oppression of the higher classes. The Government in their attempts to educate the lower classes instead of taking the responsibility upon themselves and imparting education on a basis of neutrality of religion passed it on to the Christian Missionaries who while getting subsidies from the Government imparted education to the higher classes and converted the lower classes to their religion. Thus the higher classes derived the additional advantage of Western education for oppressing the lower and the lower had the disadvantage of losing not only their faith but also their numerical strength.

Another attempt to educate the Depressed Classes—Panchamas—was made about the year 1892 by a G. O. No. 68, Educational dated 1st Feb., 1893, which was considered as the Magna Charta of the Depressed. When it was put into operation, it was found that teachers from the Depressed Classes were not available and teachers from the higher classes would not condescend to approach the untouchables. The higher classes resented and opposed; the Missionaries who had schools and proselytising agencies, were indifferent to the education of the Depressed Classes unless it helped their own cause—conversion. This G. O. remains a dead letter. The Missionaries had their harvest of intelligent and promising young men and women for over a period of 50 years, leaving the Depressed Community considerably weakened, ignorant and helpless. What the Missionaries have done in imparting education to the Depressed Classes in exchange of their faith, though against their conscience, the Government could have done to the community tenfold by giving education on the basis of neutrality of religion at least by degrees, as the higher classes have advanced in higher education. There would have been enough number of teachers among the Depressed Classes, when the G. O. was passed and the untouchable communities, would have then advanced far ahead. There was neglect—a serious neglect—on the part of the Government for over a century in ameliorating the condition of the untouchables to the extent to which they could have done, if they only cared to do so.

The last attempt the Government made, was to establish a special department for the amelioration of the educational and economic condition of the Depressed Classes. Within a few years of its inception the Ministerial party, in power in the Madras Legislative Council, passed a resolution to transfer efficient higher grade officers and placed instead lower grade inferior officers to work in the District under the Collectors, whose establishments are overwhelmed with the traditional enemies of the Depressed Classes and even attempts were made in the Council to abolish the Department altogether. The Commissioner of Labour was placed in a position to have no direct control over the District Labour officers and the work of the Department in the Districts, was thus crippled. With all the impediments and disadvantages placed on the District Labour officers by the high caste men, the Department managed to establish a fair number of schools in the Districts. Education in these Schools imparted on the basis of religious neutrality is well appreciated by the parents of the Depressed Classes children and it is hoped secondary schools of this kind would come into existence in the various centres.

In the District, Taluk, Union and Village Boards, though a few politically minded men are in favour, the others of the higher classes who sit on these Boards throw their weight so heavily in opposition and hinder the easy and rapid spread of education among the Depressed Classes.

Admission to public schools is not easy. The sense of untouchability and the spirit of hatred still runs high in the Districts. In the elementary schools the teachers from the Depressed Classes are not many and in the secondary schools and colleges we should say nil. So are the Inspectors. I am of opinion that the present system of imparting education through the Local Self-Governing bodies, will not do any good to the Depressed Classes. All schools should therefore be under the direct control of the Government. Education to the Depressed Classes from the secondary to the collegiate course should be free. Municipalities, District, Taluk and Village Boards should contribute to the General Education. The District educational councils should be abolished. Aided agencies that compete with the state institutions should be discouraged.

Compulsory and free education under the supervision of special Agency is the only means by which the Depressed Classes acquire any literary knowledge. But the extreme poverty in which the Government and the Caste Hindus have placed the Depressed parents, does not permit them to feed their school-going children. They are obliged to work for one meal a day. If taken to school these children will be deprived of their midday-meal. Free boarding schools in village centres of untouchables can only solve the problem. The Government that overlooked the education of these untouchables and spent public revenue on the education of the higher classes and the higher classes who were thus benefited and are living upon the lower classes—untouchable labourers need not in any sense lag behind in imparting education to the Depressed Classes from the public revenues. The special educational facilities for the untouchables should be a charge on the Revenue of the Government of India.

## INDIANISATION OF THE SERVICES.

The whole of the public service with the exception of the top of it and a sprinkling of Muhammadans and Indian Christians, whose number is negligible, is occupied by the Caste Hindus. The following figures taken from the last Budget estimate (1927-28) will show the number of men in the regular service.

DEPARTMENTS.	Officers Clerks and others.	Menials.
Revenue and General Administration .. .. .	8,280 ..	6,704
Excise .. .. .	1,269 ..	3,485
Forest .. .. .	1,284 ..	2,301
Registration .. .. .	2,981 ..	1,332
Irrigation .. .. .	155 ..	137
Justice .. .. .	6,278 ..	8,518
Jails .. .. .	378 ..	1,652
Police—Officers 124, Inspectors 358, Sub-Inspectors 1,648, Clerks 755, Constables 26,823	29,688 ..	61
Medical Health Officers .. .. .	2,481 ..	3,099
Agriculture, Industry and Fisheries .. .. .	1,615 ..	687
Education—Other than Teachers 2,896, Teachers approximately 62,000	64,896 ..	1,204
Village Officers (Talayaries and Veties not included) .. .. .	40,186 ..	—

To the above if the number of men in the Postal and Telegraph Departments and municipalities are added the approximate number of men employed in all services will be over 200,000. The menials that do repulsive works are excluded.

Out of such a large number, I doubt whether there are even a few hundreds of men belonging to the Depressed Classes. I beg to bring to the notice of the Honourable Commission that in a Province where all the Departments of Government are administered by Caste Hindus, the chances of these small number to rise amidst them are none. The only chance that is left to the oppressed Depressed Classes is, to look up to the Britishers, whose

earnest breadth of view and inherited liberal traditions associated with their national history render them better fitted for the peculiarly arduous task of ruling mixed populations, such as are found in India, than the Caste-ridden Hindus whose thought and tendencies ingrained by heredity and dominated by insensate, but none the less imperative customs of centuries are concealed by the thin veneer of English education," as stated in a memorial submitted by the Depressed Classes to the Imperial Parliament in 1894. I am of opinion that a very large proportion of Europeans should remain in service till the Depressed Classes also are sufficiently advanced to take their proper and legitimate share in the administration of the country. It is true that with a liberal view to encourage the Depressed Classes and to fulfil the terms of the Royal Proclamation of 1858, the Government have from time to time passed and issued several orders entitling the members of the Depressed Classes to special and preferential consideration in the matter of appointments but experience has shown that all these measures have been rendered futile.

#### MEDICAL AND ENGINEERING DEPARTMENTS.

When the Medical Department was established the Hindus were averse to enter into that noble profession. Young men of the Depressed Classes with a limited knowledge of English entered that service and rose up to District Surgeons and Health Officers. But eventually when the higher classes also began to seek service in the Department the standard of qualification for entrance was raised so high as to shut the Depressed Classes entirely out of it. Such is the case of the Engineering department also.

#### THE MILITARY SERVICES.

The Depressed Classes of India even from the earlier days have been a very martial race. When the Britishers recruited men for the army it was the Depressed Classes of Southern India who joined the service freely and fought and conquered for the British in and out of India. They rose to high ranks and distinguished themselves in several heroic deeds. But unfortunately the regiments which contained them have been disbanded, throwing the men out into poverty. I, therefore, think that in organising any system of defence, Government would do well to recruit men from among the descendants of those men of martial spirit. In recruiting young men for officers they may also be drawn from the descendants of retired officers of the disbanded army.

#### JUDICIAL SERVICE.

From the village magistrate to the Honourable the Judges of the High Court including members of their establishments (excepting sweepers) numbering some thousands are all high caste men. Early attempts should therefore be made for some representation by the Depressed Classes in this important department.

#### POLICE.

Out of an army of about 30,000 policemen one can count by his finger ends the number of the Depressed Classes men in it. The number of Mahomedans and Christians is not large. A very large proportion of these peace preserving men are caste Hindus—the traditional enemies and oppressors of the untouchables. Most of the trying Magistrates are Hindus—The oppressed are too poor to get justice. I wish to suggest to the Honourable members of the Commission that Government should recruit from the Depressed Classes till the strength of the Depressed Classes reaches at least one fourth of the entire Police force.

#### JAILS.

The treatment in jails of criminals belonging to the Depressed Classes requires change. However hardened the criminal of a high caste may be he is given light and clean sort of work while a Depressed

Classes criminal even if he is convicted of a paltry crime is given hard and dirty work such as scavenging.

#### LOCAL SELF-GOVERNING BODIES.

These bodies exist for the benefit of the higher classes only. The lighting and sanitary arrangements in the locality of the Depressed Classes are generally neglected as also the institutions intended for the benefit of the Depressed Classes. The extreme poverty of the Depressed Classes generally disqualifies them from the franchise and under the existing conditions, it is absolutely impossible for any member of the Depressed Classes to get into any of these bodies in an open election. Their interests are now represented by nomination. These nominations are generally made by the Presidents of the District Boards and by the Government acting on the recommendation of the District Collectors in the case of Municipalities. The Presidents of Local Boards being castemen themselves and having been raised to their position by the support of the caste Hindus who are mostly the employers of the Depressed Classes labour, often make it a point to undermine the interests of the Depressed Classes in making these nominations. Even in spite of the existence of intelligent and capable men possessing sufficient education and knowledge to understand things, the appointing authorities generally select only ignorant and illiterate persons who can be used as mere tools by the castemen to suit their own purposes against the communities whose interest they are nominated to represent and protect. In several cases such puppet representatives have done much harm to the community and representations made by the members of the Legislative Council to the Ministers to guard against such evils, have only fallen on deaf ears. Self-governing institutions have thus not only denied any benefit to the Depressed Classes but have caused them much harm and ruined their cause in several ways. In 1926-27 out of a total number of 933 village panchayats the Depressed Classes were able to get elected by their own men in 15 panchayats only. In 1926-27 out of a total number of 1924 village panchayats only 149 contained members of the Depressed Classes though the qualifications for these panchayats are only sex and age. In the Panchayat Courts where the qualification being education and property the Depressed Classes have scarcely any chance of getting elected. These panchayats strengthen the hands of the caste land-owners and employers of labour for oppression. I suggest the abolition of these panchayats till the Depressed Classes are able to secure their proper and adequate representation in them. Out of 2,245 institutions only 486 have Depressed Classes members, and, out of 16,755 members there are only 486 of the Depressed. Out of about 3,600 Panchayat Courts and 11,700 Village Munsiffs Courts, the number that have the Depressed Classes members is practically nil. Out of 80 Municipalities comprised of 1,635 members only 52 have 63 Depressed Classes members.

#### REVENUE DEPARTMENT.

The Indian officials in this Department have been the root cause for the degradation and miseries of the Depressed Classes. It will be found, with the exception of a few Muhammadans, from the Village Accountant up to the Personal Assistant to the District Collector and even up to the Secretary of the Board of Revenue, the Department is filled with high caste officials, who invariably favour their castemen in land disputes and other matters in connection with cultivation. Encroachments are made on lands in possession of the Depressed Classes and coveted by castemen. A small sum of money is given as loan to illiterate members of the Depressed Classes and on this pretext a promissory note is written and taken from them for higher amount, or a mortgage bond is written and taken from them, on the mortgage of their huts or house sites with castemen as attesting witnesses, and after the lapse of the time limit, they are sued for

high amounts and for possession of the lands and properties and for whatever remains after the recovery, fresh bonds are taken and they are kept perpetually under their clutches and they are never freed unless they emigrate to foreign lands. These people could expect no help from the Revenue Department or from the Civil Courts as they are all filled with caste oppressors. Wages are given for work done by these people in unwholesome grains and in short measures. If questioned, charges such as theft and other kinds are brought against them and are handed over to the Police, where also they find their traditional oppressors in power. To get redress from the Indian officials of this Department, is absolutely impossible unless the District Collector himself pays special attention to the matter. But these Collectors are always transferred from district to district. If the Government had given the untouchables the required facilities for education, at least to understand the Revenue laws and Regulations, their position would not be so very deplorable.

The village officials are all hereditary. I wish to bring this to the notice of the Honourable Commission such hereditary rights should be abolished as it is incompatible with the Democratic Government, which is being established. In these hereditary appointments numbering about 40,000 there cannot be found a few men of the Depressed Classes in the whole Province. On the report of the then Collector of Chingleput in 1891, and as a result of questions put in the House of Commons by Mr. Samuel Smith on that basis, the Board of Revenue, Madras, passed a resolution No. 723 dated 5th November, 1892, ordering the grant of waste lands to the Depressed Classes for cultivation and house-sites, but the Revenue subordinate officials, the caste land-owners and employers of labour brought that resolution as they did several other measures, into a dead letter. The Depressed Classes were once the hereditary proprietors of the land and were known as Perumans (Lords). Since the advent of the Britishers, the introduction of English education Arts and Sciences to the higher classes, the denial of such knowledge to the oppressed Depressed Classes and the maladministration of the Revenue Department, the staff of which is completely monopolised by the oppressors brought the oppressed to the present low economic condition, having taken from them all lands they possessed.

In this connection I request the Commission to be pleased to depute one of its members to go into the details of the grievances, and also visit some of the villages which I wish to show.

#### CONVERSIONS.

Conversion to alien religions weakens the Depressed Classes. It is only the oppression of the higher classes that mainly forces the Depressed Classes to such conversions. Though some of the Depressed Classes have embraced a foreign religion yet to-day their number is about six millions in South India.

It may be imagined by some people that the charge levelled against the British Government that they were not able to elevate the Depressed Classes during the hundred and fifty years of their administration of India though these classes were all along being loyal to the British Throne and peaceful, and the barrier that stands in the way of the political agitator to attain full Self-Government, will both be removed, if the Depressed Classes as a whole are made to embrace religions such as Christianity and Muhammadanism.

It is not an easy affair to convert such a huge population just to save them from untouchability. Though they are so converted, their educational and economic conditions would remain the same. And it would be unfair on the part of the British Government that imparted Western education and introduced European civilisation to the wealthy and influential classes, with a view that such knowledge and civilisation would in due course descend and filter down to the lower classes, to introduce a

democratic form of Government before such knowledge reached the lower classes or strata of Society, and it would be still worse if they were to directly or indirectly force these Depressed Classes to accept any other religion against their conscience and the faith in which they were born.

Any step in this direction will only shake and undermine the faith of the Depressed Classes in the British Raj, disloyalty will soon spread, and taking advantage of this the Hindu religious propagandists will step in to reconvert and *suddhi* movements will come into play, and thus the Depressed Classes, who are mainly agricultural labourers and who form the bulk of the agrarian population will be led to revolt. The experience of the past had unmistakably shown that though the Depressed Classes were despised and oppressed by castemen and were in poverty, they withheld conversions to other religions.

I, therefore, hope the Commission will not leave the Depressed Classes in confusion to choose between conversion and slavery under Swarajists, but solve the problem by finding ways and means to better their lot by education and economic improvement in order that they may take their due share with administration of the country.

#### DEPRESSED CLASSES WELFARE.

The castemen in the villages have by their years of oppression brought the Depressed Classes, who are steeped in ignorance and poverty to think that they are the natural serfs of their caste employers and however much they may be oppressed and tyrannised they cannot seek the support and help or obtain any redress of their grievances from the Government Officials, who are all caste Hindus. To get redress in such cases there should be a separate department of Government to which they may freely go and represent their grievances. If the Labour Department had been allowed to deal directly with the Depressed Classes as it did at its inception instead of transferring its activities to the Revenue Department under the control of the Collectors, whose establishments are filled with Caste Hindus much more ameliorative work would have been done by this time. In spite of all opposition and harassment by the caste Hindus with the exception of a few politically minded castemen, the Labour Department has managed during the period of 5 years ending 1927-28 to open 1,178 Schools for 42,799 pupils, grant Scholarships, find house sites for 27,329 families, assigned 247,266 acres of land, 1,490 works for water supply, spend for burial grounds, pathways, and established 1,535 Co-operative Societies.

I am, therefore, of opinion that a separate department under the name of "The Depressed Classes Affairs" Department be established and that be a charge on the Central Revenue of India. The local Legislative Council cannot be depended upon as it has the majority of caste Hindus who in 1922-23 tried their utmost to abolish the Labour Department altogether.

In these circumstances Provincial autonomy will be detrimental to the cause of the Depressed Classes.

#### LABOUR.

The cause of Industrial labour which has been brought to prominence in recent years by the political agitators in India with a view to gain the sympathetic co-operation of the Labour Party in England and which may grow in importance in the future, is, in its numerical strength, negligible when compared to the Agricultural labour. All classes of people, including the Depressed, are engaged in the Industrial labour.

An inquiry into the treatment of Agricultural labour would be an acid test on political agitators, who agitate for the attainment of full self-government. Candidates for election would not dare to speak to their electorate on the improvement of the lot of the agricultural labourers lest they should get no votes from the land-owning classes, who are in great

majority; but would emphasise the necessity for restricting the labourers from emigrating to plantations and colonies to better their prospects.

If the conditions of the agricultural labourers in India and the treatment accorded to them by their high caste land-owning employers are known to the British Labour Party, they would hesitate to make common cause with Indian politicians and help in their attempts at winning Swaraj.

The agricultural labourer, "always badly nourished; clad if at all in the vilest of rags; huddled like pigs; untaught, uncared for and unpitied," as truly described by the Collector of Chingleput in his report to the Board of Revenue in 1890, is still to be seen in many of the villages in the Madras Presidency. The ameliorative work done by the Labour Department and emigration have improved the lot of these labourers here and there a bit, but the general condition of these people remains as deplorable as was 50 years ago. The Dravidian race as stated in another part of this Memorandum, which was reduced to serfdom though freed after the advent of the British administration from the yoke of hereditary slavery and legal disabilities under which they suffered, still remains at the low depth of social degradation with the same practices, same fear and same prejudice. As a rule an Agricultural labourer is rigidly excluded from possession and even of occupancy right, of land. The thought of the labourer acquiring land is abhorred; if he happened to be in possession of any land chicanery sets to work to dispossess him.

"The oriental subtleties and devices practised by the landlord over his labourer when written would fill volumes. The wretch cut off from land, bound frequently by iniquitous contracts holding his very hut at the mercy of his Masters, is obedient as a dog and works for a rack rent or for starvation wages. When a labourer tries to leave his employer's service he is sued in law courts, the most obstinate is brought to reason and every idea of emancipation is crushed out. He is treated as a untouchable and unapproachable, is not allowed to pass through the public streets, public water supply is denied to him, and he is cut off from all social and economic advantage."

So wrote Mr. J. H. A. Tremenhare in his report to the Board of Revenue, Madras in 1890, an extract from which is given as appendix to this memorandum, and the Honourable Commission is requested a perusal of the whole of that report—Board of Revenue (Revenue Settlement, Land Records and Agricultural), 5th November, 1892, No. 723.

There are bond and free agricultural labourers. A labourer who works under the bond system gets the annual emoluments as follows:—

	Rs. A. P.	£ s. d.
Annual wages in cash or grain .. .. .	3 2 0	0 4 9
If the labourer has borrowed any money the above sum or less is deducted towards interest.		
One midday meal, 6 pies per day .. .. .	11 7 0	0 17 3
One cloth for a year .. .. .	1 0 0	0 1 6
One-seventh of the harvest from four acres labourer cultivated .. .. .	21 0 0	1 11 6

If the crop fails the labourer goes without any consideration for the labour he has put in, and if the labourer has a little son the employer feeds him and employs him also and when the harvest time comes for giving the one-seventh share he deducts the boy's feeding charges as well, thereby getting the services of the boy free for the whole year. The result is, the father has the consolation that his son did not starve during the year and the employer thinks that he was justified in getting free labour from the boy as he was feeding him though at the cost of his father, while the boy grows in

ignorance. If instead of the employer feeding the boy the father had fed him he would have got the benefit of his labour for himself.

Women whose time is taken up in household work tending the young ones, could hardly be able to work continuously throughout a year. When women are free and fit for work they do not get it five or six weeks in a year and hence their earnings are hardly sufficient to keep them up for those days they worked. The only chance therefore that is left to the labourer, his wife and children, is to emigrate to plantations and colonies. Even that chance is denied and restricted by the land-owning classes through their political agitators. The above figures being approximate may differ from one district to another, but the facts remain all the same.

The free labourer though he works on the same condition more or less, is at liberty to leave his master's service any time he wished.

These relevant facts are brought here to show that the above mentioned land-owning higher classes, who speak of running the administration of this great country through their handful of educated men, cannot be trusted with full responsible government. Had the British Government that proclaimed the abolition of slavery, taken steps to see that it was put into practice, the above state of affairs would not have continued this day and there will be no cause for the Depressed Classes now to complain against the granting of democratic Self-Government for India.

#### EMIGRATION.

The Government were wise in taking measures to encourage emigration to the Colonies to relieve overpopulation, unemployment and poverty. This was particularly beneficial to the agricultural labourers of the Depressed Classes as they were removed from the oppression of the high caste land-owners. But at the same time Government were thoughtless in allowing the Indian traders to follow them. The high castemen took to and kept up political agitation to the vexation of the colonists. The emigrants who returned always brought in large amounts of money between eight to ten thousand pounds sterling per month, and after clearing their debts, if any, spent them in buying lands, cattle and other things and lived independent lives. The high caste land-owners, finding that they were losing the Depressed Classes labourers, sent their emissaries to the Colonies to create disaffection in their foreign employers by claiming equal rights, adequate wages and better treatment, while in India they worked through their platform speakers by saying that the treatment accorded to Indians in the Colonies was iniquitous and urging the people to agitate for stopping the emigration. The Government yielding to the false agitations and pious pleadings of the emissaries of the Indian landowners, who have been treating these Depressed Classes labourers hundred times worse than the Colonists, unwisely stopped the emigration and brought the labourers back to India to serve under the Indian land-owners under starvation wages, though they were well aware of the above said treatment. These facts are brought here to show how ingenious the high caste land-owners are who wish to be entrusted with the administration of a country like India. The Government could have stopped the free emigrants and encouraged emigration of labourers. They never took the trouble of ascertaining the feelings of the Depressed agricultural labourers for whom emigration was intended.

#### FRANCHISE.

The high caste land-owning Hindus having crushed the Depressed Classes down to servitude and extreme poverty, made the minds of generations of the Depressed Classes to think and act according to the dictates of their employers and take their orders as the law of the country. When the minds of the Depressed Classes have been brought to such a state, it is believed, and it is true, that they are incapable

## DEPRESSED CLASSES OF THE MADRAS PRESIDENCY.

[Continued.]

of exercising their independence, free thought and even conscience and discretion against the will, wish and pleasure of their caste employers and their people concerned in the election to the Local Boards and Legislative Councils. This hopeless subservient condition could be improved if necessary measures are taken and handled with care and sympathy. A separate communal election with certain conditions will lighten the difficulty and pave the way for the proper exercise of the franchise.

**Panchayats.** The election to the panchayats should take place within and in the heart of the Depressed Class location and out of sight of caste Hindus, strictly prohibiting the presence and influence of any caste Hindu, or member of any community not concerned in the election, and should be conducted under the guidance of an official appointed for that purpose. Voting may be by show of hands or by coloured cards representing candidates, dropped in ballot box. Candidates put in and elected should take their seats along with the elected members of other communities and deliberate. Members of the Depressed Classes should be allowed to be seated closely and watch the proceedings of the panchayat without the observance of any caste or creed. The number of members of the Depressed Classes for seats in the panchayats to be according to the proportion of population of the village. Qualifications of members of the Depressed Classes for panchayats and Panchayat Courts to be sex and age only.

Panchayats and Panchayat Courts being the first step to local self-government, necessary facilities should be afforded to the Depressed Classes to get a training in the working of these institutions, so that they may safeguard their interests. The right of appeal for any violation of the rules and for injustice done to the Depressed Classes shall be in the Magistrate of the District, whose decision shall be final.

## UNION, TALUK AND DISTRICT BOARDS.

Educational qualification for membership to these bodies may not be observed and other qualifications may be relaxed in the case of the Depressed Classes. Election to these bodies to take place in the Centre of the Depressed Classes locality on the same conditions as for the Panchayats. Election of the Depressed Classes to take place annually for the first three years, then every three years or so.

## PROVINCIAL LEGISLATIVE COUNCIL.

The electoral area of the Provincial Legislative Council being large to the extent of a District for election of one or two members, the poverty-stricken condition of the Depressed Classes will not be conducive to contest and return members to the council. The Depressed Classes men require training for some years in local self-governing institutions before they are given the privilege of voting for the Legislative Council. If under the present condition they are made to elect for the Legislative Council undesirable men, that is, men who could not safeguard the interests of the community would be elected through the influence brought to bear upon the voters by the high castemen. The safest course, therefore, to be adopted for the present, would be to leave it to the Madras Provincial Depressed Classes Federation, which has been brought into existence to elect men of ability, who could be trusted to take part in the proceedings of the Council. The names of persons so selected by the Federation to be submitted to H.E. the Governor for confirmation. And the members so nominated shall have the same status, rights and privileges of elected members and shall be eligible for appointment as ministers.

The Depressed Classes being untouchables and agricultural labourers, and forming an important section of the agrarian population, their representation in the Council may be increased.

They may have the right of appeal to the Government of India in case of violation of their rights in the Provincial Council. The present system of Government by "Dyarchy" may be continued till

the local self-governing institutions are fairly brought into play and the Depressed Classes take a fair share in the administration and safeguard their interests. The country is immature for Self-Government at present. The measures taken by the British Government to introduce Self-Government, is felt by the Backward Depressed Classes as a force brought to bear upon them for one class of people to rule over the other.

As for *Representation in the Assembly*, I would suggest considering the numerical strength of the Depressed Classes in the Presidency, their number shall be four and they shall be elected by their representatives on the Local Legislative Council.

## MISCELLANEOUS.

The term *Depressed Classes* requires to be defined for preparation of correct electoral roll and carrying out ameliorative work for these classes.

Communities that disown the term Depressed Classes, though the caste Hindus treat them as untouchables, and those untouchables that embraced any religion other than Hindu religion need not be included in the category of the Depressed Classes.

*Untouchability* is a device adopted by high caste men to live upon low caste people by dislocating them from all social economic and political privileges. It is a public offence committed under cover of social customs and religious observances. It is to be brought under penal code for public prosecution.

*Co-operative Credit* and such other Societies are to be established to relieve the Depressed from the hands of money-lending and land-owning castemen. They may be under direct control of a special Department and not through any political or religious propagandists. A separate Bank is necessary.

## SUMMARY OF RECOMMENDATIONS.

1. *Political Advancement.* That the extension of the degree of responsible Government should be to the extent the Depressed Classes of the country are able to share that responsibility by the improvement of their educational and economic standards.

2. *Education.*

- (a) to the children of the Depressed Classes to be given not on any alien religious basis, but according to the religion of the parent —Hinduism.
- (b) Imparting education through the Self-Governing institutions to be discontinued.
- (c) All schools of these classes to be under direct control of the Government.
- (d) Education from elementary to collegiate course to be free.
- (e) Local Self-Governing institutions to contribute to the General Education.
- (f) The District Educational Councils to be abolished.
- (g) Aided agencies that compete with the Government institutions to be discouraged.
- (h) Compulsory free education to be given in free boarding schools in various centres.
- (i) Education to these Classes to be a charge on the Revenue of the Government of India.

*Indianisation of the Services.*

- (a) A large proportion of Europeans to remain in the Service till the Depressed Classes are advanced to take share in the administration.
- (b) Special consideration to be given to these classes in the matter of appointment in all departments. Minimum educational qualification to be fixed.

*Medical and Engineering Department.* Educational qualification to be reduced to the required minimum.

*Military Service.* Members of these classes, and the descendants of those men and officers of martial spirit to be recruited.

*Judicial Service.* Early attempts to be made for



## DEPRESSED CLASSES OF THE MADRAS PRESIDENCY.

[Continued.]

representation by these classes in this important department.

**Police.** Government to recruit men from these classes till their strength reaches one-fourth of the entire Police Force.

**Jails.** Equal treatment to all classes of people to be accorded.

**Local Self-Governing Bodies.** Members to be elected to represent Depressed Classes on the basis of population.

**Revenue Department.**

(a) The hereditary rights of the village officers to be abolished.

(b) A member of the Commission to be deputed to go into details of the grievances and to visit certain villages.

**Conversion** to alien religions not to be a means to remove untouchability nor better the condition of these classes.

**Depressed Classes Welfare.**

(a) A separate department to be established and that to be a charge on the Central Revenue.

(b) Provincial autonomy not to be granted which will be detrimental to these classes.

**Labour.**

(a) The condition of the agricultural labourers to be improved.

(b) Higher classes of Hindus, land-owning classes and Hindu capitalists are not to be trusted with full Self-Government.

**Emigration.**

(a) All facilities to be given to agricultural labourers of these classes to emigrate to Colonies, neighbouring States and European plantations.

**Result of the Policy of Imparting Education.** The fear that was entertained that if the lower classes alone were educated it would lead to general convulsion, has caused immense harm and hardship to the Depressed Classes, leaving them steeped in ignorance, poverty and misery all these long years to this day. But the effect produced by imparting Western education solely to the higher classes was also the same, that is, it has led to general convulsion and the British Government is attacked and attempts are made to wrest the reins of administration of the country from them, after monopolising services in all departments. Besides, they are a source of great annoyance to the British Government by their non-co-operation, civil disobedience, hartals, boycotts and bomb throwing, rendering the services of the army necessary.

Abstracts from early despatches from the Court of Directors to Indian Government are given below :—

The Hon. Court write to Madras in 1830 as follows :—"The improvements in education, however, which most effectively contribute to elevate the moral and intellectual condition of a people, are those which concern the education of the higher classes—of the persons possessing leisure and natural influence over the minds of their countrymen. By raising the standard of instruction amongst these classes you would eventually produce a much greater and more beneficial change in the ideas and the feelings of the community than you can hope to produce by acting directly on the more numerous class. You are, moreover, acquainted with our anxious desire to have at our disposal a body of natives qualified by their habits and acquirements to take a larger share and occupy higher situations in the civil administration of their country than has been hitherto the practice under our Indian Government.

"We may see, then, how hopeless it is to enforce what your Lordship in Council so strongly enjoined upon us in your letter of the 24th April, 1850—what appears, *prima facie*, so plausible and proper in itself

—what, in fact, the Board themselves have very often attempted, viz., the strict limitation of superior education 'to the wealthy, who can afford to pay for it, and to youths of unusual intelligence.' The invariable answer the Board has received when attempting to enforce a view like this, has been, that the wealthy are wholly indifferent to superior education and that no means for ascertaining unusual intelligence amongst the poor exist until their faculties have been tested and developed by school training.

"The practical conclusion to be drawn from these facts which years of experience have forced upon our notice is that a very wide door should be opened to the children of the poor higher castes, who are willing to receive education at our hands. But here, again, another embarrassing question arises, which it is right to notice. If the children of the poor are admitted freely to Government Institutions what is there to prevent all the despised castes from flocking in numbers to their walls?

"There is little doubt that if a class of these latter were to be formed in Bombay they might be trained, under the guiding influence of such professors and masters as are in the service of the Board, into men of superior intelligence to any in the community; and with such qualifications as they would then possess there would be nothing to prevent their aspiring to the highest offices open to Native talent—to Judgeships, the Grand Jury, Her Majesty's Commission of the Peace. Many benevolent men think it is the height of illiberality and weakness in the British Government to succumb to the prejudices which such appointments would excite into disgust amongst the Hindu community, and that an open attack should be made upon the barriers of caste.

"It is observed," he says, "that the missionaries find the lowest castes the best pupils, but we must be careful how we offer any special encouragement to men of that description; they are not only the most despised, but among the least numerous of the great divisions of society, and it is to be feared that if our system of education first took root among them, it would never spread further, and we might find ourselves at the head of a new class, superior to the rest in useful knowledge, but hated and despised by the castes to whom these new attainments would always induce as to prefer them. Such a state of things would be desirable if we were contented to rest our power on our army or on the attachment of a part of the population, but is inconsistent with every attempt to found it on a more extended basis.

"Education and civilisation may descend from the higher to the inferior classes, and so communicated may impart new vigour to the community, but they will never ascend from the lower classes to those above them; they can only, if imparted solely to the lower classes, lead to general convulsion, of which foreigners would be the first victims.

"If we desire to diffuse education let us endeavour to give it to the higher classes first."

**Conclusion.** In bringing this, my Memorandum, to an end, I believe the Honourable Commission will recognise the candid expression of opinion as regards the state of affairs of the Depressed Classes and trust that in the scheme of reforms that they recommend adequate safeguards to be made to better the lot of these unfortunate classes.

## APPENDIX.

ABSTRACT OF PROCEEDINGS OF THE BOARD OF REVENUE, DATED 5TH NOVEMBER, 1892, NO. 723.

### SECTION XV.

#### MISCELLANEOUS OBSERVATIONS.

132. I have now to make some miscellaneous



observations which have not hitherto found their place.

133. It is not to be supposed that the condition of the Pariahs is equally bad in all parts of the district. In the neighbourhood of Madras and of the salt factories they have to some extent quitted agricultural pursuits and get good wages. On the borders of its ranges, too, mirasi loses some of its most forbidding features (the paracheri site for instance not being claimed), though it is equally true that its example infects non-mirasi villages. Oppression is worst in the three southern taluks, and of these, perhaps, worst of all in Chingleput.

134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

- (a) Bring false cases in the village court or in the criminal courts.
- (b) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.
- (c) Have mirasi names fraudulently entered in the Government account against the paracheri.
- (d) Pull down the huts and destroy the growth in the backyards.
- (e) Deny occupancy right in immemorial sub-tenancies.
- (f) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.
- (g) Under misrepresentations, get them to execute documents by which they are afterwards ruined.
- (h) Cut off the flow of water from their fields.
- (i) Without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.

135. It will be said there are civil and criminal courts for the redress of many of these injuries. There are the courts indeed; but India does not breed village Hampdens. One must have courage to go to the courts; money to employ legal knowledge and meet legal expenses; and means to live during the case and the appeals. Further, most cases depend upon the decision of the first court; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathise with the wealthy and landed classes to which they belong.

136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influences to bear upon it in its course from inception to execution. True as this is of the landed classes generally, it is true in a high degree of the mirasidars of Chingleput and Tanjore.

137. People have asked why special attention should be paid to the Pariah when there are other classes of equal degradation. The answer is three-fold: that the Pariahs are far and away the most numerous, are collected into villages and are attached to agriculture, so that we can reach them more easily and do more good by reaching them. Secondly, by raising the lowest stratum of society, you raise all the super-incumbent strata. Thirdly, the disabilities of the Pariahs are in some instances the disabilities of all castes alike. The concessions asked for the Pariahs alone (e.g. in the proposed settlements) are

not very great when it is remembered that until so late as the settlement of 1875, special advantages in the tenure of land were being conceded to the Brahmins.\*

138. It is also sometimes asked why the State should do anything for the lower castes; why they should not be left alone to find their own level. The answer is that the policy of the State in the past has degraded them, and the State must retrieve its mistakes. We have permitted ancient privileges to survive until they have become anachronisms, and we have created new privileges. These at least can be confined to their minimum range of harm; and the classes who have been kept back in the race of life can be given a new start.

139. In some quarters I have been misunderstood as advocating a policy of throwing open State lands to all comers. This will, I believe, be the statesman-like policy of the future, capable of attracting capital more largely and more speedily than any other. For the present, however, except in the Pariah settlements, I would restrict the right of occupation to residents of the village until such time as the poorer classes shall have had full opportunity of occupying all the land they may want.

140. It is also objected that the present state of the law will not admit of all these reforms. If the reforms be advisable this is only an argument in favour of legislation. The Constitution of British India gives a legislature to the Madras Province; and legislature-like studies are not only for delight and ornament but for utility.

141. I have said nothing about the sanitary condition of the paracheris. It is very bad, and no special attention has been paid to it, nor indeed has the District Board the necessary funds. Some paracheris have no wells; and when drought dries up the surface pools, the inmates have to stand about near the wells of the caste-folk, waiting until some charitable hand shall draw them a little water.

142. Finally, I fear I may be quoted by ignorant or interested persons in support of the "Poor Ryot." The "Poor Ryot" who writes to the newspapers is generally a mirasidar or some other superior landholder who has sometimes never seen his land and does not even know the names of the different varieties of rice. He is perhaps an attorney, perhaps an official, often a schoolboy whom Government is preparing at great expense to take a University degree; but he is very seldom a ryot in more than name. Too often he merely draws rent from his fields, and neither cares nor knows how the cultivator or the farm labourer lives. Sometimes, indeed, he has farm labourers of his own, who live in styes and know kindness neither from God nor man; but he mounts a Madras platform and is eloquent on the subject of the Indian Nation, seeing no inconsistency in demanding equal rights for all.

143. I am afraid of such a gentleman getting hold of one of my paragraphs and instancing it in proof of the poverty of the ryots. I, therefore, am explicit in declaring that the ryot who holds directly from Government is in my estimation a member of a fairly prosperous class. The falsity of the misrepresentations on this subject can easily be demonstrated from the sale deeds in the registration offices, and from the experiments in the yield of crops; but so pleasing a task is beyond my present line.

\* Para. 11, Major Stuart's Settlement Report.

## Deputation from the Depressed Classes of Madras Presidency.

The deputation consisted of :—

Mr. V. G. VASSUDEVAN.  
Rao Sahab R. SRINIVASAN (Spokesman).  
Mr. R. VEERIAN.  
Mr. V. I. MUNISWAMI PILLAI.  
Rao Sahab V. DHARMALINGUM PILLAY.  
Dr. M. V. GANGHADARA SIVA.  
SWAMI SAHAJANANTHAM.  
Mr. H. M. JAGANATH.  
Mr. S. SUBRAMANIA MUPANAR.  
Mr. S. VENKIAH.  
Mr. A. MURUGASEM.  
Mr. P. V. RAJAGOPAL PILLAI.

330. *The Chairman* : Mr. Srinivasan, you are the spokesman ?—Yes.

331. We have before us the list of names of this deputation. We have before us your Memorandum. I notice on page 272 that you ask that the number of seats in all the legislatures for the depressed class representation should be in proportion to the population of the depressed classes ?—Yes.

332. Have you worked out the number in the case of Madras ? You take the view that you form nearly one-fifth of the population. That means about eighteen seats in the present Madras Council instead of 10 ?—Yes.

333. Still on page 272, I see you suggest that at least there must be one member of the depressed classes in the Government of India and two seats in the Provincial Government ?—Yes.

334. There is a most striking proposal which deals with the Army. " Fifty per cent. of the officers recruited and the majority of men in each unit of the army should be recruited from the depressed classes." That is the view of your body ?—Yes.

335. Then you want to abolish the system of hereditary village officers ?—Yes.

336. On page 272, in connection with education, you think that " the subject of the depressed classes " should be made a portfolio under the charge of " the Depressed Classes Member in the Viceroy's and " Provincial Executive Councils and in each province " the ' Protector ' of the depressed classes should " be assisted by a board composed of the members " of the depressed classes " ?—Yes.

337. Those seem to be the main points in the Memorandum submitted on behalf of this deputation. Is there anything else which you would like to say before any others ask questions ?—I do not think so.

338. *Mr. Cadogan* : On the subject of representation in the Services you say " Proportionate representation in all the Civil Services, Imperial " and Provincial, with special arrangements, should " be provided for the depressed classes." You say in the supplementary Memorandum, page 275, " I am " of opinion that a very large proportion of Europeans " should remain in service till the depressed classes " also are sufficiently advanced to take their proper " and legitimate share in the administration of the " country " ?—Yes.

339. You do not mean that the Services should have proportionate representation at once ?—Not at once. As we advance, we must be given that proportion ; but till then we want the European element in the Services.

340. You think you will be able to find the supply of sufficient numbers from the depressed classes, fifty per cent of the officers ?—Just at present I think we will be able to supply only a portion, not the whole.

341. *Lord Strathcona* : On page 278 of your supplementary Memorandum, under the heading ' Franchise ' you say " The election to the panchayats " should take place within and in the heart of the " Depressed Class location and out of sight of caste " Hindus, strictly prohibiting the presence and " influence of any caste Hindu, or member of any " community not concerned in the election. . . . "

And later on you say " Members of the Depressed " Classes should be allowed to be seated closely and " watch the proceedings of the panchayat without " the observance of any caste or creed." I want to ask you whether it has been the experience in the past that members of the depressed classes have not been able to take a proper part in the election of village panchayats ?—They are not able to take a proper part.

342. And that is why you make that recommendation ?—Yes.

343. *Mr. Siva Raj* : On page 272 of your Memorandum under the heading ' Representation in the Legislatures ' you say " The mode of representation " should contain at some stage or other an elective " element." You have not suggested the actual method by which you can secure your object. Would you leave it to the learned Chairman of the Indian Statutory Commission and his colleagues to devise means or would you suggest some means ?—As we have pointed out in our Memorandum, the Madras Provincial Depressed Classes Federation may be recognised by the Government, that this Federation will select members for appointment in the Legislative Council ; these will be approved by His Excellency the Governor. The present method of nomination is not satisfactory. If the selection is made to rest with the Federation, the Federation will be able to find out proper persons who could be trusted to take part in the proceedings of the Council.

344. In any case you are against the present system of nomination ?—Certainly.

345. But you would not go so far as to displace the system of nomination by the institution of a separate electorate ?—It is indirect election as I call it.

346. You do not want separate electorates for the depressed classes ?—Not at present.

347. What are your reasons for it ?—Our people are not yet advanced to have separate electorates. Unless you give adult franchise the depressed classes should have no separate electorates.

348. It is said that when the Indian Christians, whose percentage so far as their votes are concerned is much lower than the percentage of the depressed classes votes, can have separate electorate, why not the depressed classes ?—The other classes are advanced.

349. You think that the Indian Christians are more literate and more advanced than the depressed classes ?—Yes.

350. *Sir A. P. Patro* : Do I understand your proposal for representation to be that district Associations should be formed in order to elect proper persons from the depressed classes and that out of those elected the Governor should nominate ?—Yes. I would add that those members who would be selected by His Excellency the Governor should have the same status, rights and privileges as elected members ; they should be eligible even for appointment as ministers. Our experience of the last ten years is that for the first term of the council, the members who were selected to represent the depressed classes were not satisfactory to us because they were selected from other communities. In the second council the position was improved, and in the third it was further improved. But if the selection is left with the Federation we will be able to find out the real persons who can represent the interests of the depressed classes in the Council.

351. *The Chairman* : Tell me, as things are now, does the Governor or the Government not consult or make such inquiries as they can to find out who would be generally acceptable ?—They do, sir, but the recommendation generally comes from the Collector or some influential gentlemen.

352. *Mr. Siva Rao* : You ask for eighteen representatives. Are there associations of the depressed classes in every district ?—Most of them have.

353. Under your scheme you propose that the

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[Continued.]

Associations of every district should propose a panel of some gentlemen out of which His Excellency the Governor may nominate?—We will have a central Federation, to which all the district Associations will send a certain number of members. We will make inquiries to find out the capabilities of the persons before recommending to His Excellency the Governor.

354. Would you allow each district to have a member?—You will have to divide eighteen seats amongst the twenty-six districts; in some cases two districts may be represented by one member.

355. One flaw that I notice in your scheme is that you still want to retain nomination in the hands of His Excellency?—We cannot help it.

356. At the same time you claim equal privileges with the elected members?—Certainly; otherwise where is the voice for us in the Council? For instance, the representatives of the Chambers of Commerce have got the same privileges as those of the elected members.

357. *Rao Bahadur Rajah*: The depressed classes form one-fifth of the population?—Yes.

358. So out of 126 seats in the council you want twenty-four seats and not eighteen?—I do not know how it is worked out.

*Rao Bahadur Rajah*: The point is this: We form one-fifth of the population, and therefore we should get one-fifth of the number of seats allotted to the Legislative Council. If the number of seats is 126 we should get twenty-four and not eighteen.

*The Chairman*: The precise number depends, of course, upon whether one-fifth is the accurate figure. If you take the Madras Electoral Rules, it mentions ten castes as belonging to the depressed classes. According to the 1921 census the population of these ten castes comes to six and a half millions. If you take the actual census, and the castes which are put together as the depressed classes (they are not quite the same as those contained in the Electoral Rules) it gives you something like 6,372,000. Then if you take the green book (The Madras Government Handbook) you will see that the figure given is 6,904,000. The other day, Mr. Slater thought that the figure was about 6,500,000. So that something between 6,500,000 and 7,000,000 seems to be right.

*Rao Bahadur Rajah*: Even if it be one-sixth we should get twenty seats and not eighteen.

*The Witness (Rao Saheb Srinivasan)*: The more we get the better it is for us.

359. *Mr. Harlshorn*: I do not exactly follow how you say that you should have twenty seats instead of eighteen, if the number of members in the Council is 120. Your population is 6,500,000, which will be fifteen per cent. of the total population; and fifteen per cent. of 120 is eighteen.

*Rao Bahadur Rajah*: I have taken the total population of the Presidency as 42,000,000 and the depressed classes as 7,000,000.

360. You are against the present system of nominations?—Yes.

361. On page 278 of your supplementary Memorandum you say: "A separate communal election with certain conditions will lighten the difficulty and pave the way for the proper exercise of the franchise." Will you please explain what it is?—It refers to local self-governing bodies and not to the legislature.

362. You are not for separate electorate for the depressed classes?—Though I am in favour of it, yet the present condition of the people does not permit to have it.

363. But I understood you to say that with adult suffrage you would prefer separate electorates?—Yes, but our people are not in a position to have separate electorates.

364. At this stage you are not at all for separate electorates?—Yes, that is so.

365. As an intermediate step your proposition is that you would like to form a Federation consisting of various Associations?—Yes.

366. But do you not know that now and then mushroom Associations crop up? How are you going to combat them?—You have experience as I have. You should know that we have put this Federation on a sound basis.

367. When did you form this Federation?—Within a year.

368. Was it before the Commission came to Madras?—It was started before the Commission came to Madras.

369. I did not hear of it?—We did not advertise.

370. Is it because Mr. Slater, the Labour Commissioner, wanted to start a Federation soon after the arrival of the Commission that you brought this Federation into existence?—No.

371. *The Chairman*: You know, Mr. Rajah, that we should all willingly listen to this important case from whatever quarter it is presented to us. We should listen to both the deputations. It does seem to me, these gentlemen speak for a large body, and there is no doubt, if I may say so, that the next deputation will also speak for a large body. We want to hear both the deputations.

*Rao Bahadur Rajah*: I have a very great regard for Rao Saheb Srinivasan, but what I want to point out, sir, is that there is no Federation at present in Madras.

372. *Mr. Harlshorn*: What is the nature of the societies that have been federated?—We have about seven important sections amongst the depressed classes, and these societies have brought them together. Might I be permitted to say how Mr. Slater's name was brought into prominence? When His Excellency the Governor was in Chidambaram he expressed the view that he found great difficulty in finding suitable persons to represent the Depressed Classes on the Council. He suggested that a central Association could be formed which could select men for submission to His Excellency for nomination to the council. That was the time when we commenced to work. Of course, we approached Mr. Slater for any suggestions he might make, and on that occasion he gave us some advice. Since then, Mr. Slater had nothing to do with the formation of our Federation. We have proceedings to show that we held several meetings and we have correspondence with several members of the federated associations, which will prove that the Federation is a genuine one. Of course, we did not advertise ourselves as some other bogus societies are doing.

373. Am I correct in assuming that the societies are purely political in character and have been brought into existence with a view to the representation of the depressed classes?—Yes.

374. That is the sole purpose for which they exist?—At present we are working with purely political purposes; but as time goes on we want to start branches which will deal with social matters.

375. *Rao Bahadur Rajah*: I do not want to press this point further, but I wish to place all these papers in your hands. His Excellency, in his speech at Chidambaram, did not ask us to form a Federation, but recognised the present Association as a central body. I shall place all the papers, sir, in your hands and in the hands of your colleagues?—If you will permit me, sir, this Federation is not the same as the Association which Rao Bahadur M. C. Rajah has been running for the last ten years. He had an Association called the Adi-Dravida Mahajana Sabha. All that was merely a one-man show, and he kept all the intelligent men out of it. We tried several times to reach him, but he kept us out. I am sorry to put it before you.

*The Chairman*: I suggest that it is far better that we should listen, as we are most willing to do, to any constitutional suggestions made by both deputations, because, after all, we cannot go into these matters of controversy. I am just as prepared to listen to the deputation which is coming next as to this one. So I suggest to you that we should not go into that. Mr. Rajah was saying that he did not want to go

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[Continued.]

into that, but that he had some documents to show us.

376. *Rao Bahadur Rajah*: Are you not for encouraging emigration of depressed classes into foreign lands?—Yes, and to the plantations.

377. Does not this emigration lift our men up socially?—You mean in the foreign countries. It does.

378. Supposing emigration stops, what will happen?

—They will have to suffer with the local landowners or their employees.

379. Will you kindly tell the Commission whether emigration will help our men or will it go against our aspirations?—It will help our men.

380. If they emigrate to these foreign lands they come back with much wealth and put up good buildings and can cope with high caste Hindus?—Yes.

## Memorandum submitted by the Registered All-India Adi Dravida Maha Jana Sabha and the Madras Arundhathi Maha Jana Sabha.

On behalf of the untouchables or the so-called Depressed Classes of Southern India who number by precise computation over 7,000,000, we beg to place before you this Memorandum in the hope and belief that you will give such consideration to our plight as the necessities of the case demand. India, especially South India, is a land of castes, and Dravidian though we be, i.e., belonging to the earliest stock, we are kept down in subjection socially and on a pseudo-religious ground by the caste-ridden communities of this province who are either early invaders or a mixed breed of Dravidians and the invaders. There are only two classes here: one is the caste Hindu class and the other the casteless class to which we belong. Kept down to a life of semi-slavery for centuries, which a westerner would find it hard to understand, much less to believe, poverty is rampant among us and education denied to the vast majority of us. But it is not merely a question of elevation of our economic position that is required and we seek to place before you, but it is the social injustice and inhuman treatment to which we are subjected that we should place in the forefront of our disabilities before you. We are excluded from the religious services of the temples; we are denied the rights of property; it is stated that it is laid down in the Mannu that an untouchable cannot have proprietary rights to any immovable property. We are denied access to public sources of drinking-water supply; we are denied access to public roads; we are denied access to public educational institutions. The representation that we have in the Services is negligible, and where the benign British Government have sought to elevate our position and give us a voice, at least, in local affairs by nominating our members in Municipal Councils and Local Boards, it will be a common sight to see that these representatives are asked to sit outside the regular hall where the public bodies meet. The mere sight of us is pollution to the caste Hindu. Denied as we are the human and communal privileges, it is no wonder that we look to you and through you to the Crown and the British Government for our salvation. We have no faith in the caste Hindu, whether he is a high class man or otherwise, and the grant of a further instalment of Reforms to placate the politically-minded caste Hindu implies a continuance of the intolerable conditions in which we are placed; it implies the continued rule amongst us of the four devils: Darkness, Debt, Drink, and Disease; it implies not merely our continued submersion in the economic polity but a social tyranny exercised over us for a further period which the British sense of fairness, we are sure, will not allow. It is not philanthropic help that we need from the caste Hindu, but it is our rights of citizenship that we demand and which we feel confident that your Commission, consisting as it does of the cream of the British democracy, will grant to us.

The Commission would have been, in their first visit to this country, we believe, made conversant of our condition and we should emphasise most respectfully that the root of the evil is the caste system, and the social degradation to which we are subjected. Until that social inequality disappears, it would be ruinous to us to advance the politically-minded classes in such a way as to confer on them power to determine our status and welfare. The legislation that we have had and the executive rules and instructions issued from time to time seek to improve our condition to some extent, but of real improvement and of a voice in the administration we have had none so far. To enable us therefore to control effectively both the executive Government and the law-making power of the local Parliament we should have an adequate representation in that Parliament. We have said that we muster 7,000,000 and yet, until recently, we had only 4 seats on the Legislative Council as the Parliament is called locally. Although we are one-sixth of the population

we have not been given even one-sixth of the number of seats available in the Council. The Moslems, who form one-fifth of the population are given 13 seats at present. The Indian Christians who are less than one-thirty-third of the population are given 6 seats and yet both these communities are far more literate than us and could, even with a reduced representation, influence public opinion and the executive Government in their favour. Unless we form a strong contingent in the future Parliament it will be impossible for us to command consideration both from the executive Government and from the Council generally. The first and most important suggestion that we make and which we respectfully request you to grant us is that we should have at least one-fourth of the total number of seats in the Council. Once this is secured to us, the question how our representatives should get their seats in the Council will assume a minor importance. Although the caste Hindus know that we are a weak and minority community, and although they know that it is on account of their inhuman methods that we have been kept in perpetual darkness, we have often been accused of unwisdom in advocating nomination to public bodies in preference to election. Nomination was and is the only method by which effective representation of a weak community can be secured. We plead that this system of nomination should continue in any reformed Council which you may advocate. If, for any reason, such a nomination becomes impracticable, we beg to suggest that, of the one-fourth of the total number of seats we hope we shall be granted, one-half may be by election and the other half by nomination. It is notorious that in spite of the fact that the various Local Boards Acts provide a statutory maximum and minimum number of members to be nominated to the Councils and Boards constituted under those Acts so as to give representation to minority communities, the caste Hindus in power succeed in shutting out representatives of the untouchables, nominate their own men to these bodies, and by quibbling with the name of the class to which their favourites belong, seek to make it appear that they also come from a minority community. But, on the other hand, in the Provincial Council, we are extremely sceptic that the power of election will assist true and proper representatives coming into it. We submit, therefore, that we should have a separate electorate for the untouchable classes for one-half of our representatives and that His Excellency the Governor should have power to nominate at least for the next 10 or 15 years, eligible and proper persons belonging to our communities who have been unable to get in through the door of election for the other half. The above are our essential requirements. Once our representatives get the power in the Local Council to control Legislation and the services they should be able to secure the community to some extent political, administrative and economic advantages.

The method of election of such of the members as have to be returned to the local Councils has now to be considered. We have heard all that has been said and our leaders have read all that has been written condemning communal representation, separate electorates and so on. The essential argument underlying such a condemnation appears to be that a split in representation or a division amongst electors is not conducive to the merging of all classes, the aim of some politicians and the pride as an achieved object of some others. But we wonder whether it is seriously contended that if now or within the next decade or so a common electorate is constituted caste Hindus will either associate with members of our community with real goodwill or refrain from using our illiteracy to gain their own ends. As we have observed, the social inferiority which they consider we possess will always be turned to good account by them and we would be for ever left behind in the race. It is not

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[Continued.]

so much a communal representation that we ask as a representation of miserably weak communities giving them some special privileges. One such privilege is that we should have a separate electorate. The second is that every man amongst us should have a right to vote. At present, the franchise is determined partly by property qualifications and partly by educational qualifications. The vast majority of the untouchables cannot for the next decade or so aspire to have either of these qualifications and notwithstanding the inevitable set-backs we shall be faced with in the early stages we have no alternative but to ask for adult suffrage.

We feel sure that the Commission would be as interested in our advancement from the economic and educational point of view as from the political point of view. We require free education for our boys and girls, including provision for boarding and lodging arrangements; we require greater facilities for higher education and for special education; we require a net-work of hostels in the province with one hostel for at least one district; we require a vast increase in the representation of our community in the Services; these are matters to be attended to by a special department. There is in Madras, we are thankful to say, a department which attends or ought to attend specially to our needs and grievances. This department has worked with a real spirit of helpfulness since its inception and under the able guidance of the late Sir George Paddison, K.B.E., C.S.I. We require this department to be strengthened and manned by an officer of real goodwill and imagination. The activities of this department are now supervised by the reserved half of the Government. We do not know whether the eventual decision of the Commission would be to withdraw the reserved half and vest the administration of the whole Province in a number of Ministers responsible to the Council. Should such a desire animate the Commission we would strongly urge that the department should work directly under His Excellency the

Governor assisted by a European officer who should still continue to be a Member of Council. If that is impracticable or is considered by the Commission against the trend of the evidence which you will collect we would very strongly urge that a single Minister should be made responsible for the activities of the Department and that in any event His Excellency the Governor should have the residuary power to veto any act, resolution, decision, recommendation or other, of the Legislative Council or of the Minister in charge of the portfolio which runs counter to the interests of the Depressed Classes. It is not flattery which we seek to indulge in but a result of experience that has always prompted us to maintain that we should seek justice at the hands of an impartial Britisher rather than in an Indian Member of the Council or Minister. Should the Commission decide that the entire administration should be in the hands of a body of Ministers responsible to the Council, not merely the oversight but the power of intervention in all legitimate cases should vest in His Excellency the Governor whom we shall look upon as our real protector in the new régime. Indianisation of the Services, Indianisation of the administration and Indianisation of the controlling authorities over Finance are all possibly very good for the very advanced and vocal communities, but for the weak communities, who are deliberately shunned by those selfsame advanced communities they are anathema. It is after patient, anxious, careful and deliberate consideration that we submit that we have no interest in such Indianisation and that we shall look only to His Excellency the Governor for the proper administration of the Department to whose care we are entrusted and to that Department for our upliftment if not socially at least from the economic point of view.

We beg to add that representatives of the two Sabhas or Associations of which this is a joint Memorandum will be ready to give oral evidence before the Commission whenever required.

## MADRAS.

26th February, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE, AND OF THE MADRAS PROVINCIAL COMMITTEE.

### Deputation from the Registered All-India Adi Dravida Maha Jana Sabha and the Madras Arundhathi Maha Jana Sabha.

The deputation consisted of :—

Mr. R T. KESAVELU, Ex-M.L.C., President  
Adi Dravida Maha Sabha, Coonoor.  
Mr. R.R.V. Rao Sahib L. C. GURUSWAMI, M.L.C.,  
Municipal Councillor, Madras; Member, District  
Board, Chingleput; Member, Taluk Board,  
Tiruvallur; Member, District Educational Council,  
Chingleput, and President, Madras Arundhathi  
Maha Jana Sabha.  
Mr. P. V. SUBRAMANIAM PILLAI, President,  
The Registered All-India Adi Dravida Maha  
Jana Sabha.

Mr. R.R.V. Rao Sahib M. C. MADURAI PILLAI,  
Ex-M.L.C., Municipal Councillor, Madras; Mem-  
ber Chingleput Taluk and District Boards;  
President, Madras Adi Dravida Central Sabha,  
and Vice-President, Depressed Classes Mission  
Society, Kolar.  
Mr. J. SIVASHUNMUGAM PILLAI, Secretary,  
The Registered All-India Adi Dravida Maha  
Jana Sabha.  
Mr. N. DEVENDRUDU, Ex-M.L.C., President, Adi  
Andhra Jana Sabha, Rajahmundry.  
Mr. KUSUMA VENKATARAMIAH, Nellore.  
Mr. S. O. CHOKALINGAM, Ramnad.

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[Continued.]

Mr. T. PONNIAH, Secretary, Adi Dravida Jana Sabha, Tinnevely.

Mr. R. THANGAVELU, Municipal Councillor, Thiruvannamalai, North Arcot District.

Mr. VENKATAPATHI, Vice-President, Madras Arundhathi Maha Jana Sabha.

1. *The Chairman* : Gentlemen, we have got here the representatives, I understand, of the All-India Adi Dravida Maha Jana Sabha, is that right?—(Mr. Kesavelu) Yes.

2. And the Madras Arundhathi Maha Jana Sabha?—Yes.

3. I notice that the heading of the document has been changed from the "Madras Adi Dravida Maha Jana Sabha" to "All-India Adi Dravida Maha Jana Sabha"?—Yes.

4. Is that the registered name?—Yes.

5. We see a number of gentlemen before us and I think that amongst them Mr. Kesavelu, who is the spokesman, is the President of the Adi Dravida Maha Sabha, Coonoor?—Yes, sir.

6. And the gentleman next to you is Rao Sahib Guruswami, the President of the Madras Arundhathi Maha Jana Sabha?—Yes.

7. We have got your document (of course the document is common to you both) and I notice for example that you want one-fourth of the total number of seats in the council. Do I summarise your view correctly when I say that you prefer that, as at present, your representation should continue to be by nomination but if that was considered impracticable you want one-half to be chosen by nomination and the other half by election?—Yes.

8. You suggest, I think adult suffrage?—Yes.

9. You want the special Labour Department to be strengthened and to remain under the Governor?—Yes.

10. Or at any rate under a minister with the Governor having the power of intervention?—Yes.

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11. *Rao Bahadur Rajah* : Mr. Kesavelu, this deputation represents two Associations, does it not?—Yes.

12. You have got another Association also which is combined with you, namely, the Madras Adi Dravida Central Sabha?—Yes.

13. Is it a registered body?—Yes.

14. Rao Sahib Madurai Pillai is its president?—Yes.

15. So you represent three main Associations?—Yes.

16. Your Association has been functioning very actively ever since 1917, I believe?—Yes.

17. And your association waited on deputation before Mr. Montagu?—Yes.

18. That was the only Depressed Classes Association then?—Yes.

19. And the Government of Madras and the Government of India have been corresponding with the Association with a view to get its opinion on any matter affecting the depressed classes?—Yes.

20. When the Franchise and Functions Committee came you sent in your Memorandum?—Yes.

21. When the Lee Commission came you also sent in your Memorandum?—Yes.

22. When Lord Chelmsford came to Madras you waited in deputation?—Yes.

23. And also when Lord Reading came?—Yes.

24. I should like you to give the Commission the true position of the depressed classes in this province. We were told the other day that the degree of untouchability varies in various districts in this province. Is that so?—No; in every part of the Presidency the untouchability is very severe and our people are labouring under a lot of miseries.

25. But I suppose it is very acute in Malabar?—The condition of our people in Malabar is miserable.

26. Can you tell the Commission what are the difficulties there?

*Sir Hari Singh Gour* : We know what they are. I do not think we need pursue this point.

*The Chairman* : I have got the impression (tell me, if I am wrong) that at present on the Malabar side some of these castes get very humiliating treatment.

*Rao Bahadur Rajah* : I am glad that the Conference is aware of it.

27. *The Chairman* : Is there any gentleman in the deputation who comes from Malabar?

*Rao Bahadur Rajah* : There was one, sir, but he could not be present.

28. *The Chairman* : What is the fair view? Is it in any way better than it used to be?

*Rao Bahadur Rajah* : It is improving very slightly in urban areas but not in rural areas.

29. *Mr. Cadogan* : Since the Reforms?

*Rao Bahadur Rajah* : Yes. Our Association in Malabar is working very well. It is holding conferences now and then and is agitating for our rights. The treatment meted out to these classes in Malabar is most inhuman. Even when they pass through roads they would have to shout so that the caste man may know that there is a depressed class man near him. Supposing a woman carries a big load on her head and she happens to see a caste man in front of her she should immediately clear the road and allow the caste man to pass even though it might mean her falling into a ditch near by. That is the sort of unapproachability that exists at present.

30. *The Chairman* : What is it that this deputation wants to urge on us?

*Rao Bahadur Rajah* : If we have some representatives from Malabar in the legislative council they will be able to bring home to the members of the council now and then the injustice done to these classes. The degree of untouchability is the same in Telugu and Tamil districts. You know, Mr. Kesavelu, that recently a Mala woman (Mala is one of the depressed class communities in the Telugu districts) who went near a well was given a good hammering by a caste man, so much so, her husband had to assault the man and that the caste man has filed a suit in the High Court? The case is reported, sir, in the *Madras Mail* in its issue of February 7th, 1929. I only want to prove that even in the Tamil and the Telugu districts the problem of unapproachability is very acute. There are instances, sir, wherein teachers belonging to the depressed classes and employed in board schools in the Salem district have been treated very badly.

*Sir Hari Singh Gour* : The treatment meted out to these people is exactly the same as that meted out to Indians in South Africa.

*Rao Bahadur Rajah* : I do not know whether it is the same or not; I have not been to South Africa.

*The Chairman* : I believe everybody is agreed that everything possible should be done in framing or suggesting a constitution for India which would secure the means for raising the level of life of these poor people. The thing which I am very much concerned to learn is what are the best methods that could be suggested. Of course effective representation is one of the methods.

*Rao Bahadur Rajah* : Not only in the council, sir, but also in the municipalities and local boards. I have got documents to prove that in some streets in the Tinnevely district the residents of the place refused to allow the labourers who belonged to the depressed class to metal the roads. They said that they would leave the roads without metalling rather than allow the depressed class labourers to mend them.

31. *Mr. Thomas* : But the municipal council insisted on its being carried out.—(Mr. Kesavelu) A resolution has been passed in the municipal council.

*The Chairman* : I do not want to have a controversy about that fact because I do not think anybody denies that everything should be done that can be done, to secure to the depressed classes their rights. I do not think it is disputed.

*Rao Bahadur Rajah* : May I correct Mr. Thomas.

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A resolution was moved I think in the municipal council to allow these labourers to go and mend the road, but the majority of caste Hindus opposed the resolution saying that they should not mend the road at all, that the road could remain as it was.

*Sir Hari Singh Gour* : It is a disability from which your community suffers. We may differ as to the details, but the disabilities are very galling. How to remove them is the question. That is what the Chairman asks you. The only solution that occurs to me is to give them a share of power.

32. *Rao Bahadur Rajah* : I wish to put a question to satisfy *Sir Hari Singh Gour*. He admits that these galling disabilities are in existence in our province at present. In order to get rid of all these difficulties what do you propose?—We want adequate representation in the local councils and in the taluk boards and municipalities, and to have more educational facilities. We want more schools to be opened and more hostels to be established in every district. We want more scholarships and more facilities for higher studies.

33. You want representation in the council. You have representation in the council now?—Only a few, five or six.

*The Chairman* : You have got ten.

*Mr. Siva Raj* : One is a Brahmin.

34. *The Chairman* : There are 10 members who are nominated to represent the interests of the depressed classes. They may not be the best people to represent, but their number is 10.—We want the best men to be sent to the council.

35. *Rao Bahadur Rajah* : Although you have got representation in the council you have no proper representation. How do you propose to give proper and effective representation to the depressed classes in the council?—Through election I think we can return the best men to represent our cause.

36. You mean election through general electorate?—We want a separate electorate. We cannot compete in the general electorate at all.

37. Supposing you are given reserved seats in a general electorate, will that satisfy you?—No, our people would not be able to get in.

38. If you have reserved seats you can certainly get in?—But not the best men. Supposing a landlord sets up a servant of his own and makes him stand as a candidate he can get him through and defeat the best man.

39. Will he not do the same thing if a separate electorate is given?—In course of time our people will be educated.

40. You say you want a separate electorate wherein other influences will not go so far as to bring in undesirable persons?—Yes.

41. And you are prepared to face these difficulties at the start?—Yes, that is why we ask for nomination and election for some time. Even in separate election for the whole there may be some difficulties. Even in separate electorates the best men may be thrown out. So for some time to come we want the Government to have the power to nominate certain persons.

42. *The Chairman* : You say in your Memorandum, on page 284 that "nomination was and is the only method by which effective representation of a weak minority can be secured. We plead that this system of nomination should continue in any reformed council which you may advocate." That is your view as to how it should be dealt with now, is it not? I understand that to mean that while of course you hope that with better education a time will come when you can get elected members this deputation thinks that at present the effective representation must be by nomination?—By nomination, but if this goes on for ever we will be keeping our men in the dark always. So to give them political education we must also have election partly.

43. *Rao Bahadur Rajah* : You are for nomination, but at the same time you want to educate your

people to take part in these elections also. For that purpose, in order to make them also true and good citizens, you want to start elections in some places?—Yes.

44. When you advocate nomination for certain places, will it not be a bar to becoming ministers? Nominated members cannot become ministers!—But the Government must make a provision to that effect.

45. To what effect?—That nominated members, particularly of the depressed classes, if the Government think that they are competent men to hold the portfolios of such offices, should be exempted from such rules and appointed as ministers. That is the only course through which our grievance could be redressed.

46. That bar should be removed, you say?—Yes, it should be removed.

47. That is to say, ministers should be recruited from among nominated as well as elected members?—Yes.

48. *Mr. Siva Raj* : Of all classes?—Not of all classes, but only in the case of this particular community. All classes are represented already in the Cabinet.

49. *Rao Bahadur Rajah* : What makes you say that we should start elections in some parts of the province? Are they in a position to take up elections at present?—Where we can find that a number of our depressed classes people have got the franchise to vote, that is, have the property and educational qualifications, we may try this experiment. There are certain districts where we can find at least not less than five or ten per cent of the voters. In such districts we may try this experiment.

50. *The Chairman* : You mean in the general non-Muhammadan constituency. You say that five or ten per cent of something is depressed classes. That will be five or ten per cent of the electorate in the non-Muhammadan constituency?—Five or ten per cent of the general voters.

51. *Mr. Hartshorn* : Have you gone into that matter? Because we have been told that there is less than one per cent of your community enfranchised throughout the province?—That is why we want at the same time adult franchise for us.

52. You were saying, I understood, that in parts of the province as much as five or ten per cent of the total electorate are depressed classes voters, but as far as we have been told about the number of depressed classes persons on the register it is not so.

*Diwan Bahadur Reddiyar* : The number of depressed classes voters is three or four per cent.

*Mr. Hartshorn* : We were told the other day that the total number of depressed classes on the register throughout the province was 50,700. We were also told that the total number of depressed classes were 6,500,000 . . .

*The Chairman* : The two statements may be both right. If you take the depressed classes in the Presidency, about one per cent are voters now in general constituencies, but it may be also correct to say that the depressed class voters are something like three per cent of the total electorate.

53. *Rao Bahadur Rajah* : In our province, the Labour Department is doing work in certain districts?—Yes.

54. Do you not think that in those districts the members of the depressed classes are slightly educated and that they can understand what an election is? Of course, not in all districts; in certain districts the Labour Department is working.

55. In those districts can you not safely start elections since you have the departmental officers to prepare the electoral rolls and so on?—Yes, we can try.

56. So I think your deputation is of opinion that if at all election is to be started it should be started where the Labour Department is functioning?—Yes.

57. You say you want adult franchise. If adult



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franchise is not granted to you would you suggest any lowering of the franchise at present?—If it is not possible, of course a lowering of the franchise may do some good for the present. But adult franchise would enable the depressed class people to return their best candidates in large numbers to the councils. I do not think even by lowering the franchise we can get a large number of depressed classes on the electoral roll. There are very few who possess properties and very few who are educated. These are the only two qualifications through which voters could be got.

58. I suppose you are for advocating adequate representation in the public services?—Yes, surely.

59. Are you in favour of the provincial Public Services Commission?—Yes.

60. Is it, or is it not your opinion that a member of the depressed classes should find a place on that Public Service Commission?—If a depressed class member does not find a seat there nothing could be done. In that case there is no use of forming a Public Service Commission at all in the Presidency.

\* \* \* \* \*

61. *Mr. Siva Raj* : Your opinion is that a separate electorate can be formed for the depressed classes?—Yes.

62. In all those districts at any rate where the Labour Department has been working?—Yes.

63. Do you think that our people are either literate or politically advanced enough to make a success of separate electorates, or will they not still continue to be in the hands of their local landowners, the landowners under whom they work. It is just possible even now in the case of separate electorates for Muhammadans, Mr. S. Srinivasa Iyengar may put up a candidate and get him to the council on account of the money and influence that he has. Do you not think the same thing could be done with regard to those depressed classes?—Yes, but for how long are we to keep the depressed classes in darkness?

64. We are talking of facts just now?—We have to suffer for some time to come. If in the beginning our people are defeated in such elections we do not mind it. That is why we ask for nomination for half of the seats.

65. *The Chairman* : I understand the point is this. He says that as things are, the depressed classes are in so weak a position that they may have to put up with nomination, but he says, after all if they do not get any opportunity of practising the use of elections how are they going to learn it and he suggests it is possible to have some of each.—Yes.

66. *Mr. Siva Raj* : As it is, you know that the depressed class voters vote in the general constituency. Do you think that these ten years have given them any experience or training?—Yes, certainly. Of course, this year a man may make a mistake, but next year he finds out the mistake and records his vote properly.

67. Would you, for instance, suggest that in the non-Muhammadan constituency, that is the general electorate, the depressed classes must join the non-depressed classes, if I may say so, the depressed classes having different qualification for franchise, that is property qualification for the non-depressed classes and adult franchise for the depressed classes? Do you think that will serve your interest much better than a separate electorate?—Even then, in having adult franchise and running in general elections, there is trouble.

68. You agree with me that the number of your voters in that case will be double the number of caste Hindu voters, the Hindus having property qualifications and the depressed classes having adult franchise? Do you not think it will be better than a separate electorate?

*The Chairman* : Do you think it is a feasible scheme. If I have followed you, what you mean is this, that if you have a constituency in which, let us

suppose, half the population is depressed classes and half is not, you would not allow all of the half that is not to vote, but you would only allow such of them as had a property qualification to vote, while on the other hand you would allow all the depressed classes to vote. Do you think that would be possible?

*Mr. Siva Raj* : The position is so peculiar in this country that we try to solve this social problem through a political instrument, and you yourself have been worried as to how best a constitution can be framed so as to secure the interests of the depressed classes.

*The Chairman* : I agree. That is exactly the difficulty. You are trying to solve a social problem through political means. You can do something through that but you cannot do everything.

69. *Mr. Siva Raj* : I think this is one of the methods by which you can force the hands of the caste Hindu people to improve the condition of the depressed classes.—That is a noble idea.

70. You want a separate electorate?—Yes.

71. Do you suggest that you want some safeguards under any system of Government that might be ultimately devised by the Indian Statutory Commission for India or for this Province?—Yes.

72. In case these safeguards are not properly utilised or if there is a breach of the conditions laid down there for the protection of the depressed classes where would you go for redress or remedy?—I do not exactly understand your point.

73. Supposing a condition is laid down that your interests ought to be protected according to law, but you find the law is not given effect to, what will be your remedy? To whom will you complain?—To the Government.

74. Where is the Government?—That is why we want, sir, that a man from our own community should be in charge of the portfolio.

75. Would you like the Governor of the province to have certain residuary powers?—Certainly; in our memorandum we have stated that.

76. *Lord Burnham* : I want to get quite clearly in my mind how effectively you are going to secure any election at all from your body when you have no register, no Association or nothing on earth so far as I can see to show how many you are, or what you are composed of?—We have got an Association now formed and registered, and we have got statistics of the number of voters and their names. We have been doing that, and we have been submitting names and representations through that Association.

77. Statistics, of course, depend altogether on the quality, but I do not see how you are going to get any registered depressed class such as will be able to have an electorate. My point is would it not be much better for effective purposes to trust to nomination by impartial hands?—(*Rao Sahib Guruswami*) I think it is for the Government to collect such statistics and prepare a list of the whole depressed classes population.

78. That is very difficult, because there is no strict line of division—I mean the Sudras and the depressed classes tend to merge in one another, do not they?—They have already statistics collected.

*Rao Bahadur Rajah* : There is no merging here; the depressed class is dealt with separately and the Sudras also separately.

79. *Major Attlee* : How far have you got caste distinctions amongst the depressed classes themselves here in your own community?—(*Mr. Kesavalu*) There is no difference in our own community.

80. Is it not a fact that there are some depressed classes who do not take water from others?—No; that is not the case; there may be one or two stray cases, but so far I have not come across such cases. Here we can go and mess or mingle with and take water from all depressed classes. You cannot have any such distinction. There may be one or two stray cases in villages where people are not educated.

81. *Khan Bahadur Khalif-Ul-Lah Sahib* : Do you really mean to say that there are no castes among

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the depressed classes? For instance, in the South of Madras, do the Pallas and Parayas inter-marry, or do they inter-dine?—Of course if they are clean, we closely move with them. I do not think there is so much of restriction with regard to inter-dining and inter-marriages.

82. Does a Palla marry a Paraya woman?—The difficulty may exist in some villages where people are not educated, but in civilised cities and towns we do not find so much difficulty.

83. *Major Atlee*: We had it on your own evidence that a great number of cases of oppression are in the villages. What I want to know is how far the distinction exists in villages among sections of the depressed classes. Do they or do they not exist?—In certain villages there may be cases . . .

84. Not there may be, there are?—There may be one or two cases; but I cannot clearly substantiate the thing.

85. *Mr. Siva Raj*: May I say a word, sir, arising out of that question? I am prepared to admit that some difference exists between different sections of the depressed classes. We know that there is difference between a Mala and a Madiga, between a Palla and a Paraya, but my point is this, whether that difference results in the same amount of inhuman treatment and difficulties that are placed in the way of the depressed classes as the difference that exists between the caste Hindus and the depressed classes?—That remains in every community and every race.

86. *The Chairman*: I am sure that the answer is that the difficulty is not so great. But just tell me this. We know, of course, that some of them are in the lowest scale and some of them we know have got curious customs and do very unpleasant work. Is it the case or is it not the case that a depressed class man belonging to a higher caste would take water from a lower caste man of the same class?

*Mr. Siva Raj*: There is nothing like a depressed class man of a higher caste and a depressed class man of a lower caste, sir. Their division, if I may say so, is horizontal.

87. *The Chairman*: You mean it is social?

*Mr. Siva Raj*: Yes, they may not mix and so on; but there is nothing like a difference in the level.

*Rao Bahadur Rajah*: It was no doubt true that some time ago there were some difficulties, but since 1917 our organisation has been working in all these districts, and we have been holding conferences to bring them all together, but it is the caste man who is behind us that is attempting to divide us by telling people that they are of a high caste and low caste and so on. As a matter of fact we are all merging, and the difference is not so much as they want to make it appear to the Commission. It is they that are behind us who try to make these differences.

88. *Lord Strathcona*: I am not quite clear whether in this part of India if a member of the depressed class changes his religion and becomes, say, a Christian, he ceases to belong to the depressed class or not?—Yes, soon after he is converted, he ceases to be untouchable; he becomes touchable.

89. *Lord Burnham*: I have heard it stated that caste Hindus do not recognise that, and that they consider him almost a depressed class man even if he becomes a Christian?—No.

90. *Khan Bahadur Khalif-ul-lah Sahib*: For instance, are you aware of the controversy that has been raging for the last six or seven years in Trichinopoly as regards the difference between caste Christians and non-caste Christians, and that they are still called depressed class Christians by the caste Christians as they are called?—I have heard of such cases too in some places.

91. Can you deny that the same difference between caste Christians and non-caste Christians obtains throughout the south of the Presidency?—(*Rao Sahib Guruswami*) We do not think that it exists throughout the southern Presidency. We have heard that it is in existence in Pondicherry.

92. Do you know the conditions obtaining in the 11 districts south of Madras? You have no personal knowledge?

*The Chairman*: We are going to have a deputation from the Depressed Class Christians on Friday.

93. *Mr. Hartshorn*: Is it your desire that all the persons nominated to represent the depressed classes should be drawn from among your own community?—(*Mr. Kesavelu*) Yes, they should be drawn only from the depressed classes.

94. How many of the ten at present in the council are depressed class men?—Eight members are from the depressed classes, one is a Brahmin and one a Christian.

95. There are at present about 130 seats in the council, and that means you are asking, for the present size of the council, 33 seats?—Yes. We form one-sixth of the population, and if calculated on that basis it would come to more than 25 seats. Unless we have so many seats, there is no possibility of getting our grievances redressed.

96. When you say that you want 33 seats for the size of the present council, are you suggesting that there are 33 well qualified depressed class men available for the purpose of those seats?—More than 33 competent men will be available, sir.

97. Assuming that the strength of the council were increased from 130 to 200, you would still ask for a fourth of the seats, whatever the size of the council is?—Yes.

98. In that case you would have 50. Are you satisfied that there are 50 well qualified men of your own community to take those seats?—Yes, sir. There are men available, but for want of encouragement they would not come forward. Even to hold higher appointments under Government there are a number of graduates among the depressed classes in the Presidency whose claims are not considered. As a matter of fact, when I was a member of the Madras Legislative Council from 1921-23 I was pressing for an appointment for a graduate from my own community, but, for want of encouragement in the Madras Government, that graduate had to go and seek employment in the Mysore Government, and he is still there. My friend, Sir A. P. Patro, who was the then Education Minister, knows the fact. I was pressing the claims of that graduate for three years. Of course, at that time the said graduate was employed under the Mysore Government on Rs100, and when I approached my friend, Sir A. P. Patro, to give him an appointment, he said that he could give him only an appointment on Rs75, and although I told him that he was already drawing Rs100 and that he must take his special case into consideration, that he was a graduate from the depressed class community and start him on a special scale of pay. I was told that it could not be done. Therefore he still remains with the Mysore Government. Such are the cases.

99. *Khan Bahadur Khalif-ul-lah Sahib*: You were offered the ordinary scale of pay, but not any special scale?—Of course, he promised that.

100. *Sir A. P. Patro*: Replying to Mr. Hartshorn, you said that there are qualified men available for nomination. Are you speaking only of the Adi-Dravidas or the Adi-Andhras when you said that persons are available? Do you mean to say that there are qualified men available to represent all the 18 sub-sections of the depressed classes who are different and distinct from one another?—All the sections of the depressed classes.

101. According to the census the Adi-Dravidas and the Adi-Andhras form only about a million and odd, and the rest all come from the other sections of the depressed classes. Do you know that, as a matter of fact, it is impossible to recruit from all the other castes, for instance, the Holeyas, the Arundhatiyyas, and so on? For want of education and want of proper training it is absolutely impossible to get men from these castes to represent them effectively?

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—Practically for the men available we cannot find appointments.

102. So, we will be correct in saying that there are men available only among the Adi-Dravidas and Adi-Andhras, but not in other castes?—Of course.

103. Has Mr. Kesavelu anything to do with the Arundhatiya Central Sabha? Is he a member of that Sabha?—I believe Mr. Guruswami is concerned with the Arundhatiya Sabha. (Rao Sahib Guruswami) It is not the Central Sabha. May I know when it was started?

Sir A. P. Patro: You ought to know when it was started.

104. The Chairman: I want you to explain this to me. I see now that there is the Adi-Dravida; it is the name of a caste; and I think the other name here is the Arundhatiya. That is a name which is often employed for a leather worker?—Yes.

105. It corresponds very much to what is called the Chakkilian or the Madiga?—Yes.

106. Your Association also represents the Maravars—Yes, sir.

107. What I wanted to be clear about was whether you thought you could be said to include in your society all the members of the different depressed classes?

Rao Bahadur Rajah: The term "Adi-Dravida" was adopted only about seven years ago, and before that "Paraya" was the term employed, and so some are returned as Parayas and some as Adi-Dravidas. The depressed classes in the southern districts are called Adi-Dravidas, while the depressed classes, such as the Malas and the Madigas, in the Telugu districts are called Adi-Andhras. What the witness wants to bring out is that although there are capable men available from one of the sections they are not able to provide appointments for them, and then what is the use of saying that there are not educated men available in the other communities?

108. Mr. Thomas: You have stated that the depressed classes who become converts to other faiths cease to become depressed. Do I understand you to mean that that applies to social matters?—Yes.

109. So far as the economic conditions are concerned, even the depressed classes who become converts remain in the same condition. Do you agree with me?—We do not think so. (Mr. Kesavelu) Besides, the untouchability ceases thereby.

110. But the economic backwardness continues to be the same? Even for the depressed classes who become converts special treatment and consideration is required?—There are missionaries to take up their cause.

111. Do you know that missionaries find it very difficult to run their institutions? They are closing down their own institutions year by year?—(Rao Sahib Guruswami) As soon as a man is converted to Christianity he is encouraged in all directions.

112. How?—By several methods.

113. Would you say that the caste Hindus, the Brahmins or the Vellalas, make any difference between an Adi-Dravida or Adi-Andhra and a Christian?—No.

114. They treat both of them in the same way?—Yes.

115. Do you agree that so far as the Christians are concerned, they treat the converts from the depressed classes as they treat themselves? That is, there is no social disability attached to the convert within the Christian fold?—That is so.

116. You were talking about certain methods of nominations and elections to the council. With reference to representation on the local boards, would you ask for nomination or election or partly one and partly other?—Totally nominations until some time to come.

117. Sir Arthur Froom: You say you want more representation in the councils to enable you to control effectively both the executive Government and the law-making power of the local Parliament. Are

there any laws on the Statute book of the Madras Government which operate against the depressed classes at present? Is there any discriminatory law in this Presidency which operates against the depressed classes?—(Mr. Kesavelu) I do not understand you.

118. The Chairman: The question put to you is this. Are there any Acts which anywhere say that this shall not apply to the members of the depressed classes as far as the law goes?—No.

119. Mr. Harishorn: I take it that your disabilities are more social than legal?—Yes.

120. Sir Arthur Froom: What do you achieve by getting greater representation in the provincial council in Madras? Do you anticipate the making of a law in favour of the depressed classes?—No.

121. On page 285 you say that there is already a department in the Government of Madras which looks after the depressed classes?—Yes, the Labour Department.

122. You go on to say that if there is any advance in the Government of Madras and the various departments are transferred, you want the Labour Department not to be transferred?—(Rao Sahib Guruswami) Yes.

123. You want to preserve it under a member?—Yes.

124. Is that logical with your position of increased representation in the provincial council whereby you hope to control the executive government?—As soon as adequate representation is given we do not think we will be able to build forts within a few days. This department must exist until some time to come, until the depressed classes raise their heads. (Mr. Kesavelu) In 1921 there was a proposal in the legislative council to abolish this department.

125. Supposing your representation was increased to the extent you desire, would you not be better off if this department is under the control of a minister?—(Rao Sahib Guruswami) No.

126. Mr. Kikabhai Premchand: Your main desire is to rise to the status of the caste Hindus, is not that so?—Yes.

127. So would it not be better to have a joint electorate whereby you will be voting for the caste Hindus, so that they will have to look to your interests, and if you have a separate electorate, do you not think you will be permanently classed as depressed classes and you will not be able to raise your standard?—(Mr. Kesavelu) For some time to come we should have a separate electorate. Even under the present system some of the depressed classes vote for the caste Hindus and return caste Hindus to the council, but their interests are not safeguarded by their representatives.

128. But if you have joint electorates some day you will come up to the grade of the caste Hindus; but if you have a separate electorate you will be classed as depressed classes for ever?—We want this separate electorate for some time, till we come up to their level. (Rao Sahib Guruswami) If you think that the term is not applicable, you may call it special electorate for the depressed classes.

129. Even reservation of seats will come to the same thing?—We want separate electorates.

130. Raja Nawab Ali Khan: You want adult suffrage?—Yes.

131. Have you any objection to that principle being extended to the other communities as well?—No. Our people are very poor and they have no influence in the country. It is for that reason that we ask this. But if you think that for other communities it is necessary you can have it. We have no objection.

132. Sir Hari Singh Gour: You want a nominated minister?—(Mr. Kesavelu) Yes.

133. You want a provision made in the Statute that a nominated member of the council is eligible for ministership?—Not exactly that. If an elected member is not available, then what is to be done.

134. If that is the position, then again you will be

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[Continued.]

a depressed minister, because you will be a minister in default, in the absence of an elected member. You want to introduce your depressed condition into the Cabinet?—To safeguard our interests we want our man.

135. That is exactly what I say. Everybody will then say, "Look at this minister; he is only here as a nominated minister because an elected minister could not be had." That will be the position?—If an elected minister is not available from our community then we want a minister to be nominated from our community and entrusted with the portfolio concerning our class.

136. Do you not think that the chances of a nominated minister in these circumstances which you have stated are remote?

*The Chairman:* He has given his view.

137. *Sir Hari Singh Gour:* Do you not think that the appointment of a nominated member as a minister is inconsistent with provincial autonomy and the grant of responsible government to the provinces, whereby the responsibility is with the people and not with the constituted head of the government?—This is why we ask the Commission to make a provision of this sort.

138. That will take away from the fullness of autonomy and responsible government. Have you realised that? I will just read to you a passage from the Report on Ceylon Reforms, pages 90-91: "Even within the same racial and religious community caste distinctions may be responsible for rigid division of classes. These diverse elements and distinct classes, even if not antagonistic to each other, are in more or less separate compartments, this resulting in a lack of homogeneity and of corporate consciousness which make it difficult to achieve any national unity of purpose. Communal representation was devised with a view to assisting the development of democratic institutions in countries of different races and religions and in the hope of eliminating the clash of these various interests during elections. It was expected to provide, peacefully, an effective legislative assembly which would give a fair representation of the different elements in the population and would also tend to promote unity. Unfortunately, the experiment has not given the desired results, but has had, if anything, the opposite effect. The representatives of the various communities do not trust one another, and communal representation has not helped to develop an uniting bond of link. The minority communities are fearful that any preponderance of governmental power held by another community will inevitably be used against them and are keenly on the alert for signs of discrimination." The position, therefore, is a complete disintegration of the Opposition in the council and the destruction of that homogeneity and corporate consciousness which is the aim of yourselves and ourselves towards the formation of a national government. Do you not think so? How do you get over this very difficult question? You belong to the same religion. You have the same racial affinity, and the setting up of separate electorates within the same class and the same community would be destructive of that homogeneity and corporate consciousness which is necessary for the working of all democratic institutions?—There is separateness in everything.

139. The next point is, supposing that your representation in the local council was given to you upon a basis of forming electoral colleges, not direct but indirect elections, then every adult member of your community will have a vote to appoint a number of delegates, and these delegates send up so many people to the local council. That would secure your election and proper representation to the local council. What objection have you got to that?—If adequate numbers are there I think there is no need for such a thing.

140. *Sir Sankaran Nair:* I am asking you this

question so that you may have that in view. It was assumed throughout the discussion that your disabilities are social. You have stated in your Memorandum that all your disabilities are said to be imposed upon you by the Code of Manu. It is the Hindu religion that has imposed these disabilities?—Yes.

141. You see the difference between the two. In the one case you have got to get rid of the system—the system based upon the Hindu religion—for any reality to be given to you with the consent of the Hindu castes. In the other case it is only social usages that have to be got rid of. Now do you stand by the allegations in your Memorandum, or by many of them, that all these disabilities from which you suffer are disabilities imposed upon you, at any rate, according to the caste Hindus, by the Hindu religion, in which case what you are up against is the Hindu religion and the Hindu caste?—We are not against the Hindu religion.

142. That is not my point. What is the position that you take up? Do you think that the disabilities are imposed by the Hindu religion, or do you think that they are simply social disabilities which can be got rid of? If it is a question of religion you cannot expect any help from the orthodox Hindus?—(*Rao Sahib Guruswami*) It is the caste system that is responsible.

143. Are you prepared to fight the Hindu caste system in the councils to get rid of your disabilities? I simply want to clear the issue. While we make recommendations the recommendations must have reference to the issues that have to be faced?—We cannot fight these religious questions in the council.

144. If it is your view that the caste system is based upon the Hindu religion and that the caste system is responsible for your disabilities, and to get rid of your disabilities you have to get rid of the caste system, then your task will be a tremendous one. Without the help of the caste Hindu, at any rate as long as we have the British Government, you will not be able to get rid of the caste system. I want you to realise that.—(*Mr. Kesavelu*) It is really a very big problem.

145. So far as I am concerned you need have no doubt. I am prepared to assist you and to join in your fight. Perhaps Dr. Gour might also join us, but after all two or three men cannot do anything. Do you realise the issues which are before you, because when you talked of the remedies in answer to a question put by Sir Arthur Froom you did not appear to have clearly realised the issues? I want to know whether you think that it is a religious question or simply a social question. If you do not like to answer the question I do not want to press you.—We realise that it is a very difficult question.

*Sir Sankaran Nair:* Then I will leave it there.

146. *Dr. Suhrawardy:* Do I understand rightly that there are 10 nominated members of the depressed classes in the local legislative council?—Yes.

147. Would you then kindly explain your answer to Mr. Hartshorn that there are 8 members of the depressed classes and one Brahmin and one non-Brahmin?—I am very thankful to you for putting this question. Of course, Government have allotted 10 seats for the depressed classes and they have nominated 10 members. When my friend, Rao Bahadur Rajah, who was a member of the Madras legislative council, was nominated to the Assembly his place in the local council fell vacant, and our organisations throughout the Presidency suggested names from our own community for filling up the vacancy. But the Government nominated a Brahmin.

*The Chairman:* The reason is because of the language of the electoral rules. The rule is that ten persons shall be nominated to represent the depressed classes. It does not follow that the person nominated to represent the community should be a member of it. He might be a missionary, for example.

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[Continued.]

*Sir Hari Singh Gour* : In Assam we had a similar instance, sir.

148. *Dr. Suhrawardy* : Can the Brahmin be in any sense considered to be a representative of the depressed classes? Is it simply because a seat fell vacant that it was given to a Brahmin without regard to the depressed classes?—Without any regard to the depressed classes the Government have nominated a Brahmin.

149. Is this gentleman, though a Brahmin, working for the uplift of the depressed classes?

*Rao Bahadur Rajah* : He is doing some work.

*Dr. Suhrawardy* : The point is that this gentleman does not belong to the depressed classes.

*The Chairman* : You see, Dr. Suhrawardy, a good example to take is a missionary. One can imagine the view that a gentleman who is devoting his life for the uplift of the depressed classes may be a suitable person to nominate to represent them, though he is not a member of the depressed classes. One of my colleagues reminded me that we had such an instance in Assam. My recollection is that we had also a similar instance in Patna.

150. *Sardar Shivdev Singh Uberoi* : May I know how does your community stand in the matter of education?—We are very backward in education.

## Memorandum submitted by the Kodava Sabha, Mercara.

The Kodava Sabha stands as a representative institution of the landed interests in Coorg with special reference to the jama holders, who in fact are the main inhabitants of Coorg, holding the major portion of private lands in the province and who, besides control the public and economical life in the province. It has a membership of a thousand members and has in its fold almost all the sons of soil, of light and learning. The Memorandum put forth by the association has the unanimous consent of the members and further has the backing of all the Coorgs. This Sabha has confined its attention in the Memorandum mainly to the problems within the province of Coorg.

2. The smallness of the province combined with its straitened finances have been made use of by some people outside the province, to enlist a few of their brethren here to advocate the question of amalgamation of this province with the Madras Presidency on the one hand, or in the formation of a Carnatic Province on the other. Financial stability of the province will be taken up later, but for the present this Sabha feels that it must place its emphatic protest on any question of either amalgamation to Madras, or in the formation of a Carnatic Province with Coorg as an integral part of it. Coorg has been from times immemorial a separate province and came under the British rule not by conquest or annexation but by the unanimous consent of the Coorgs, who even then obtained a pledge from the East India Company that their province should be governed separately and that their individuality, traditions, manners, usages and privileges should be maintained, protected and perpetuated.

3. It will be more than clear to any one that the people of the province have an aptitude to live and work under a system of responsible government as is seen from the working of the Provincial Council, the District Board and the Municipalities. The percentage of the persons who took part in the general elections which is on an average 75 per cent. and at times amounted to nearly 90 per cent. of the voters is not only a clear indication of the interest taken by the voters and the value attached by the people to the vote, but also a justification of the people's eligibility for responsible self-government. The conduct of the business of the council, the quality of the debates and the general good temper and decorum that guided the discussion of the members are proof positive that the people of the province have acquired a keen interest and taste to representative forms of government. The rules of debate and of business have been assimilated by the members of the council even though they had no experience whatever prior to 1922. A comparison between the Indian non-officials and the European non-officials drawn from the highly trained democracy of the United Kingdom shows clearly the rate at which the Indian members have progressed, and it is significant to note that some at any rate of the Indian non-officials have proved themselves to be at least the equals of the officials in questions relating to the technique of Parliamentary Government. These facts will leave no one in doubt about the success of the working of the existing council and of the fitness of the people to march ahead.

4. The plea for an adult franchise may be accepted as the goal, but the Sabha feels that it is too premature to be seriously considered. The plea of making literacy as the basis of franchise is also unacceptable to this Sabha, inasmuch as both these methods, if resorted to will give votes to people who may really have no interest in the country. This Sabha feels that the present basis of the franchise has worked satisfactorily and that the same may be accepted now also. The opinion that the present basis of the franchise is too liberal is not favoured by this Sabha, for above all things it feels that there has been very few or no cases of a wrong exercise of the vote. This Sabha feels that with a view to give an impetus to education it may be made possible to give a vote to

such of those who have gone through the School Final Examination irrespective of any payment of tax to the Government. The qualification of a candidate may, however, with advantage be brought on a par with those found in the adjoining major Province of Madras. It may be found, however, that apart from the payment of the required assessment fixed as the qualification for a candidate, it may be found advantageous in this province, to prescribe a qualification of *literacy either in English or Vernacular*. The present rules which allow an illiterate person to be a member is not conducive to proper and efficient management of the council business. This Sabha further strongly urges the enfranchisement of women both as voters and candidates, as the ladies of the province are comparatively far more literate than their sisters of other provinces who enjoy this liberty.

5. The present system of giving plural votes to a voter consequent on a constituency being called upon to return more than one candidate must cease. This Sabha is of opinion that a constituency must return only one candidate, and that in cases where either any interest or community has more than one seat in the council, then the constituency of that interest must be divided into as many constituencies as there are seats on a territorial basis arrived at by the calculation of the number of voters in each area or locality. The present jama and non-jama electorates have worked satisfactorily, and as such this Sabha feels that it ought not to be changed. Any innovation either by way of general electorate with or without reservation may not work so smoothly as it has worked up till now, and as such may lead to unnecessary complications. The criticisms levelled against constituencies of special interests are not to be seen in this place as all the constituencies except the nominated member for the depressed classes represent only landed interest. The electorates of the provincial council may with advantage be copied by the district board if it is to continue hereafter. The present seats for sagu constituency in the provincial council have been unfairly distributed, with the result, that while in one constituency a candidate has been returned by 200 voters, in another constituency a candidate is returned by 2,000 voters. This inequality must cease, and the sagu seats in the provincial council must be distributed in a more equitable basis.

6. The members of this Sabha feel that an individual may be given votes in different electorates if that person has the requisite qualifications prescribed for the said electorate. If, however, this is found unacceptable, on the ground that no man should get more than one vote, then this Sabha claims that the option of a voter, who has got the requisite qualifications in more than one electorate, must prevail as to the electorate in which he has to exercise his vote. The present rule which compels the son of every jama-holder to vote and stand for a jama constituency irrespective of the fact that he has no qualifications for a jama seat, and irrespective of his desire not to stand for a jama constituency, but to stand for a sagu constituency on account of his qualifications and influence in the latter, is inequitable and must be abrogated, and that person must at least be given the option of enrolling himself as a voter or candidate in the constituency he likes.

7. The power of initiative, referendum and recall which proceed upon a mistrust of a representative by his constituency is not justified under the present circumstances when a member is to hold a seat for only three years. These methods may be adopted when and if necessary after the same is adopted elsewhere and in case its working is found satisfactory.

8. This Sabha is of opinion that though Coorg did not know anything of responsible government even in the matter of local and district boards up till recently, yet it has made very great progress in this form of government. Coorg which did not know anything of

journalism has to-day, after the lapse of little more than two years of council government, found its way to start three journals, of which two are weeklies representing different shades of opinion, and it is interesting to note that the advocates of the theory, that there should be only one non-official opinion in the province to fight the Government better, are losing or have lost their hold on the people, who have come to realise that real democracy can flourish only where divergences of opinion are honestly felt and expressed. As a consequence of this, people have been educated in the undercurrents of the council government in a way and at a pace not to be found in major provinces.

9. This province has thus made up very much of the lost time in accumulating experience and the principle of responsible government and democratic institutions, and this Sabha feels that with another decade, if the same rate of progress is maintained, of which there is every hope, this province will be on a par with the major provinces. The smallness of the province, if it is a disadvantage on one side, has more than compensated itself in the increased facilities which it has given to the people to know the details of responsible government. With the increase of journalism above named, the beginnings of party system have come into existence, and though it cannot be definitely stated that there are parties with definite crystallised opinions on different subjects, yet it can safely be said that the beginnings of party system has been made, and with it the beginnings of a system of principles guiding the people rather than persons guiding the people on any question. The want of anything like an effective and real power in controlling the budget and shaping the administration has probably acted as a hindrance for the healthy development of a party system and informed public opinion, and this Sabha feels that with an increased power to the council the rate of the development of informed public opinion and the growth of party system will be very much more accelerated. The isolation of Coorg, its smallness and the very recent experiment of council government tried in it, have all contributed towards the retardation of party system and the growth of informed public opinion, but, as pointed out above, a very good beginning has been made on these two lines and that the rate of progress is very much more in advance of those found elsewhere in British India.

10. The present council has only one nominated member to represent the depressed classes, and the principle of nomination is not acceptable to the Sabha, but it feels that in practice this particular class cannot at all get any voice whatever, except through nomination. This Sabha feels that after a lapse of ten years it may be possible to find a way to get rid of this nomination.

11. Regarding the question of nominating the officials also, this Sabha is not in sympathy, but here again, this Sabha feels that for a period of at least ten years the officials have to be nominated so as to ensure a proper administration of the country. In short, it is the opinion of this Sabha that though the principle of nomination is undemocratic and undesirable, yet it could be got rid of only gradually, and it feels that after a lapse of ten years the question of nominating the officials will be entirely dropped, their places being taken up by the Ministers.

12. This Sabha feels that the District Board in Coorg is an anomaly. The smallness of the province which corresponds more or less to a district of the Madras Presidency in area, argues against the continuance of the District Board, whose functions may, with advantage, be taken over by the Provincial Council. This step will give ampler room for the Provincial Council to function, and will also give the provincial officers sufficient work. If this step is taken, then the question of the relationship of the officers of the Provincial Government with the District Board will end. The present powers and functions of the municipalities may continue, and it may be made obligatory that the sanction of the

Provincial Government be obtained for every expenditure involving more than a thousand rupees. The municipal constituencies may, with advantage, be made general without bringing in the question of communal electorates or special interests. The municipalities may be divided into wards and each ward be asked to return its member.

13. *Provincial Government.*—This Sabha feels that the present strength of the council is sufficiently large, and that there is no reason for increasing the seats or changing the electorates. This Sabha feels that the power of passing the budget must be extended to the Council, and that the power of certification, which may be vested in the Chief Commissioner, if exercised, must be so exercised with the approval of the Governor-General in Council. The question of running the administration through the Ministers, chosen from amongst the elected members of the council, though very desirable, over which the Sabha is very anxious, yet on account of the smallness of the experience of council government gained by the people, and on account of the financial stringency of the province, it is not advisable for another ten years to come. This Sabha feels it is only as a caution that this step is to be advocated, though the Sabha feels that there are sufficient numbers of non-officials in the province, who can well run the administration of the country. This Sabha urges, however, that in the place of Ministers, a provision for the formation of standing committees elected by both the official and non-official members of the council from amongst the non-officials, be made to co-operate with, and advise the Government on all matters of general and departmental administration, and thus a way will be found to meet the aspirations of the people and solve the exigencies of finance. This Sabha had had to put forth this plea instead of a plea for dyarchy as the experience in the major provinces point to the impossibility of the smooth running of dyarchical form of government. This Sabha feels that in case of difference of opinion between the standing committee and the Commissioner or the other heads of departments the matter has to be decided by the Chief Commissioner to whom the question has to be submitted with the official and the non-official views concerned. The smallness of the province and the powers of the council do not warrant any serious consideration of a second chamber to the provincial council.

14. This Sabha feels that both as a matter of right and equity this province must be represented in the central legislatures and that the same must be by election. This Sabha feels that there should be two seats in the Legislative Assembly with the reservation of one for jama constituency and one seat in the upper chamber. The qualification of the voters and the candidates for these constituencies may be on the same lines as those found in the major provinces with such modifications with regard to the question of payment of assessment as to ensure a sufficient number of voters and candidates in the province. It will not be possible for this Sabha to lay down any specific propositions on these qualifications without at the same time taking into consideration the provisions elsewhere. This Sabha shares the opinion of every man in the province about the necessity of a representation of this province in the central legislatures. The present exclusion is neither justified nor tolerable. This Sabha is emphatic in having the central legislatures as a bicameral institution.

15. The geographical position and the nature of the country makes the question of transport a matter of more than ordinary difficulty, and this Sabha feels that the failure of the central government to extend even a feeder line of railways in spite of the fact that more than a crore of rupees has been taken away from the slender resources of this tiny country is a very great handicap on the progress and prosperity of the people of this province. Coorg, after nearly a century of British rule, with a surplus revenue has not been given the benefits of railway, neither

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[Continued.]

can it be said that the Government has compensated this by any large network of good roads. This Sabha therefore urges that in consideration of this handicap, the central Government will forego its present claim of the income tax of the province.

16. The crushing cost of the top heavy administration is responsible mainly for the instability of the recent budgets. The engineering department and the forest department need thorough and radical retrenchment and this Sabha feels that in these two departments only a saving of sum of at least a lak of rupees could be effected without affecting the efficiency of the department. The question of the cost of administration of the province in the other departments also need a thorough revision in the hands of a capable committee.

17. This Sabha is emphatically of opinion that the judiciary must be independent of the executive. The present system of investing the Chief Commissioner with all the powers of a High Court is not desirable and requires a change, and the functions of the District Superintendent of Police and the District Magistrate must not in any case be confined in one and the same person.

The judiciary must be subordinate to the High Court, which may be composed of judges chosen from amongst the judges of the other High Courts to sit along with the Chief Commissioner once in a quarter for such days as may be necessary. This

Sabha is also of opinion that appeals from the High Court must be for a Supreme Court of India constituted to sit in some suitable place in India.

18. This Sabha feels that the Territorial Force is an excellent institution and deserves encouragement of the Government in every way. The Territorial Force has been a success in Coorg, and it is generally felt that it is one of the surest methods by which a military character could be fostered amongst the people after the long lapse of any military training and the enactment of the Indian Arms Act. This Sabha feels that before drastic changes about the defence of India could be considered the Government should find its way to make the Territorial Force movement a success, and side by side with it a provision may usefully be made in the curricula of studies in the schools and colleges by which a preliminary military training can be compulsorily imparted to the students. This Sabha while dealing with this subject feels that the present attempts by which some sort of restrictions of the Indian Arms Act which is extended of late even to the Coorgs are unjustified, and goes against the pledges given to the Coorgs when they handed over the administration of their country to the East India Company, and this Sabha therefore submits that such extensions must be cancelled.

Mercara,  
6th May, 1928.

(Sd.) M. NATCHAYYA,  
President of the Kodava Sabha.

## MADRAS.

28th February, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT MR. HARTSHORN), AND OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAO BHADUR RAJAH), AND OF THE MADRAS PROVINCIAL COMMITTEE.

## Deputation from the Kodava Sabha, Mercara.

The deputation consisted of the following :—

Mr. M. NACHAYA, President.  
Mr. A. B. CHENGAPPA, M.L.C., Vice-President.  
Mr. P. MEDAPPA, B.A., B.L., M.L.C., Mercara.  
Mr. P. A. CHENGAPPA.  
Mr. N. SOMIA, Honorary Secretary.

1. *The Chairman :* Gentlemen, we are very glad to have the opportunity of meeting you. I think we have here Mr. P. Medappa, is it not, who is a member of the Coorg legislative council; Mr. A. B. Chengappa, another member of the legislative council; and I think we have also before us Mr. P. A. Chengappa, Mr. M. Nachaya, and Mr. N. Somia. I am very glad to see you, gentlemen. The Memorandum which you have prepared was sent to us and we are very much interested in it. We gather that your body, the Kodava Sabha, is a very important representative institution representing particularly the landed interests in Coorg?—(Mr. A. B. Chengappa) Yes, sir.

2. We would like to have your own short statement, if you would like to give it, to supplement the Memorandum. First of all, perhaps you would tell us what you wish to suggest as regards the future of Coorg; whether you wish to remain a

separate unit, or whether you suggest it should be incorporated with any larger unit?—We wish to be a separate unit with all the shortcomings we may have.

3. That is what the Chief Commissioner, who was with us this morning, told us. He was explaining to us the reasons for that. I may say my friend, Lord Burnham, will at least have the opportunity of seeing Coorg and of learning something from the people there. Do you want the constitution of Coorg to be changed at present, or you think it ought to continue substantially as it is?—We want to have a constitution on the lines of that given to other major provinces.

4. You want to be like a fully-developed province?—Yes.

5. You are a smaller area, are not you, and there is the administrative expense which will become very burdensome on a small area?—That we know, but we expect the Central Government to help us in our shortcomings as far as finance is concerned; also we must be protected by the Central Government in securing appointments for our educated young men, as we notice that they are always sent back by major provinces with the usual remark, "Each province for itself." So far there is no Coorg man in the I.C.S., nor in the Railway, Customs, Excise, Post and Telegraph, either in the Imperial or



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Provincial grade. Our interests in that line should be protected.

6. You are not in favour of being joined up with, as some people call it, the Karnatic province?—No; we wish to have our province as a separate unit. That was one of the announcements made when we went under the British Raj, in 1834, and my grandfather, Dewan Bopanna, is directly responsible.

7. You think that the present basis of franchise is working very satisfactorily?—Yes, it is working satisfactorily, and we wish to continue that franchise for a further period of ten years, as we have mentioned in our Memorandum.

8. And you take the view—I daresay I am quite correct in saying it—that Coorg has made very good progress under the constitution which you have been having for the last few years?—Yes, it is only during the last six years that we have had the experience of council government and we have made rapid progress.

9. Then you say, at pages 293-4 of your Memorandum, that "Coorg which did not know anything of journalism has to-day, after the lapse of a little more than two years of council government, found its way to start three journals"?—Yes.

10. And you also say that: "With the increase of journalism above named, the beginnings of a party system have come into existence"?—Yes.

11. You think it is right on the whole to continue at present the idea of having one nominated member to represent the backward classes?—Yes.

12. And then you express the rather interesting view that the District Board, you think, is an anomaly. It certainly is very curious, because your District Board has the same area as Coorg itself?—Yes.

13. As regards the two municipalities you have got there, are they included in the District Boards?—No; the two municipalities of Mercara and Virajpet are separate.

14. What is the population of Mercara?—It is 4,500; it has a floating population, and at times during the season it goes up to 6,000.

15. Then, I suppose, if there was no district Board, the result would be that the Coorg Legislative Council would do both the Council work and also the District Board work?—Yes.

16. Then you say, in paragraph 13, on the subject of running the administration through the ministers, that although it is very desirable, "yet on account of the smallness of the experience of council government gained by the people, and on account of the financial stringency of the province, it is not advisable for another ten years to come." That was what I had in my mind when I asked you just now whether you did not think that at present the general system under which you are living ought to be preserved. You now say that you would like to have a fully-developed provincial government, say, like Madras; and, at any rate, in some subjects you will have ministers?—Our idea in putting forward that was that we were short of finance; and now we are approaching the Government of India that they must give us a good opening balance. Our finance will thus be improved and as far as Council Government is concerned, we are in a fit stage to have an advanced form of Council now. The only difficulty is about finance for which we are leaning on the Central Government now to give us a substantial opening balance which they have taken from us in the way of surpluses from the time we joined hands with the British Government till the present Council was given to us.

17. Apparently you do not want to start a system of Dyarchy?—No; we do not want Dyarchy.

18. Then comes a point, which is quite a separate point and an important one too; I gather that you think that there should be some Coorg representation chosen as such in the Central Legislature?—Yes. The understanding when Coorg was taken over by

the British Government was with the Coorgs alone, and we still hold that there are a lot of people who have come and settled down in Coorg later on, and our interest must be safeguarded as we have got more vested interests in the country than those who form the moving population; and so Coorg must be represented in the Central Legislature.

19. And you point out your difficulties about transport; as a matter of fact there is no railway in your province?—No, although we have had about four or five surveys, we have not got any railway at all.

20. Your country is rather mountainous, is it not?—When compared with Ooty, it is not very mountainous at all. Practically we are hemmed in between two provinces, on one side Madras and the other side Mysore. Those two Governments have no interest in our country. That is one of the reasons why the railway does not pass from Mysore through our country to Mangalore or Tellicherry.

21. Then you make a point in paragraph 17, which was also mentioned to us by the Chief Commissioner; you think that the Chief Commissioner should not, amongst other things, have the powers of a High Court, and that there ought to be some separate officer exercising those judicial functions?—Yes; it so happens that the Chief Commissioner, knowing as he does all the people there, will have a lot of difficulty for himself to carry on those functions.

22. You are strongly in favour of the Territorial Force?—Yes.

23. It has been as a matter of fact very successful in Coorg, has it not?—Yes.

24. Thank you, gentlemen; that fairly describes your document, does it not?—Yes.

25. *Raja Nawab Ali Khan*: You want a government like the government of a fully developed province, is that not so?—Yes.

26. And you want the Central Government to help you in regard to finance?—Yes.

27. In case the Central Government is unable to help you; what will be your suggestion?—The point is that they ought to help us, because they have taken away all our resources of nearly a crore of rupees for the last eighty years, and when they gave us the present Council Government, they gave us no opening balance. Not only that, they have now taxed our poor finance with the pensions of officers who served in Coorg before the present Council Government came into existence, and as such we have got a legitimate claim on the Central Government to give us all the resources they have taken from us.

28. What will be the amount?—About a crore of rupees; we cannot be quite sure of that amount.

29. Do you think that it will be enough to run your Government?—Oh! yes, it will be.

30. On page 295 you say: "The engineering department and the forest department need thorough and radical retrenchment." Have you got any suggestions to make?—The council has always been trying to put forward suggestions for the reorganisation of the forest and the engineering departments in connection with their top-heavy administration.

31. *Sir Hari Singh Gour*: You say at page 293: "The smallness of the province combined with its straitened finances have been made use of by some people outside the province, to enlist a few of their brethren here to advocate the question of amalgamation of this province with the Madras Presidency on the one hand, or in the formation of a Karnatic province on the other." Who are these people referred to in this paragraph?—Those people who have come down and settled in the country as lawyers, traders and other settlers and who got some lands later on.

32. Traders, lawyers and other settlers?—Yes.

33. What percentage of the population would they be?—Fifty per cent.

34. It comes to this, that 50 per cent of the population is for amalgamation?—The traders, lawyers, etc., are 50 per cent. But only 10 per cent. of these want amalgamation.

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35. Ten per cent. of the population comprising lawyers, traders and settlers are in favour of the amalgamation of your province with the adjoining province of Madras or for the formation of a Karnataka province. What objection have you got to that?—In the first place the conditions under which we joined hands with the British Government are that our entity should be preserved entirely separately. If we are joined to any of these big provinces we will only be a drop in the ocean and our entity will disappear. Even a province like Madras is trying to split itself into different sections, Karnataka and so on.

36. We will take facts as they are and we will assume that the Presidency of Madras remains as it is. You being a very small parcel of area, the smallest province perhaps in India, your development depends upon more money and more men, and 10 per cent. of your population consisting of the people you have mentioned are in favour of amalgamation with the Presidency of Madras. You have given two reasons, one is contract with the East India Company and the other national sentiment?—Our customs and habits are also different from the rest of the people in India. Our tenures are quite unique. We have got *jagir* lands, the like of which do not exist anywhere except perhaps in Malabar.

37. But your amalgamation with the Madras Presidency would not interfere with all that. There are already four tenures in the Madras Presidency, as you know, the *ryotwari*, the *zamindari*, and so on. There will be a fifth. On the other hand according to the English laws every man's custom is scrupulously respected, and you will have the advantage of the High Court of Madras, a very good Court, to shelter you from all infringements of your customs?—(Mr. Medappa) Our individuality is lost.

38. I admit your sentiment of national unity is strong. But apart from sentiment you have no other practical objections to amalgamation with Madras?—Our influence in the Madras Government will be nil, and one representative will have no voice in a big council.

39. Again you come back to the preservation of national sentiment, a very proper thing in itself.—It is quite likely that none of our members will be returned to the Madras council.

40. Supposing you are safeguarded against that. We may say that so many members from your province might be returned to the council to preserve your interests. Have you got any other objection? Now you have got on the one side sentiment and on the other side lack of finance. You have to reconcile these two conflicting claims, sentiment *versus* poverty, and you want to be placed on the same level as other provinces, the revenues of which are 5 crores, 10 crores, and 15 crores. How can you do that? You cannot have a minister, you cannot have a High Court. It will be a Lilliputian State?—We will be a small entity and people will understand the political problems better if we are separate. If the Central Government helps us with a substantial opening balance, the question of poverty will not come in.

41. As regards your judicial administration, supposing we recommend your judicial amalgamation with the Madras High Court. You have got very few cases. Instead of having a separate judicial officer of the rank of a High Court Judge, suppose you are amalgamated with the Madras Presidency judicially, what objection have you to that course? It will add very little to your cost and you will get justice almost for nothing?—(Mr. A. B. Chengappa) Our *ryots* will have to spend a lot in litigation in going to Madras and so on.

42. The Madras High Court is the cheapest High Court in the whole of India?—Still we will have to travel about 400 miles to go to Madras.

43. Ganjam and Rameswaram are even further away.—But they have railway communication and they can travel at any time, night or day.

44. Want of transport facilities is the only

objection?—Not only that. Already our *ryots* are poor and going to Madras means a lot of expense. They may not come at all. If they can get justice at their own doors they would prefer it.

45. That is true. But in a case like yours where you have only a very few cases and a handful of people it is very difficult. Suppose a Judge of the High Court here comes on circuit to your province once a month or once a fortnight, will that satisfy you?—Yes, that would satisfy.

46. In that case you will be judicially under the High Court of Madras?—I think one Judge might be appointed for Bangalore Cantonment and Coorg.

47. You are prepared to be linked up with the neighbouring province for the purpose of judicial administration?—He should sit along with the Chief Commissioner in some cases.

48. In paragraph 17 you state: "The present system of investing the Chief Commissioner with all the powers of a High Court is not desirable and requires a change and the functions of the District Superintendent of Police and the District Magistrate must not in any case be confined in one and the same person." Now you do not want that the Chief Commissioner should exercise the powers of a High Court and you have given weighty reasons just now, in answer to a question put by the Chairman, that yours being a small province the Chief Commissioner is personally acquainted with every person and that it is not right that such a person should sit in judgment over them?—The judge must be part and parcel of the province; he must be under the Chief Commissioner.

49. That again is sentiment. You think that once the province is amalgamated judicially, it might be a thin end of the wedge?—Yes.

50. Apart from that you are prepared to say that your judicial work should be done by a judicial officer apart from the Chief Commissioner?—Yes.

51. That qualifies the statement which you make in the next paragraph. You have stated here, "The judiciary must be subordinate to the High Court which may be composed of judges chosen from amongst the judges of the other High Courts to sit along with the Chief Commissioner once in a quarter for such days as may be necessary." In other words you want to compose a Bench of one executive officer and one judicial officer. You have got some lawyers amongst yourselves. Do you think that a thing like this is conceivable?—(Mr. Medappa) Ordinarily the judicial officer will dispose of the cases. But in extraordinary cases we would like the Chief Commissioner to sit along with the judicial officer.

52. What are the extraordinary cases? There may be cases of death to be confirmed, in which cases you may have two Judges. But under your proposal you will have the executive officer and the judicial officer sitting as Judges. You have yourself told us that the Chief Commissioner knows every person of the province. He may say, "this man is a rogue" or "this man is a good man"?—What was in the mind of the Sabha is that the Chief Commissioner being a person who knows the customs and habits of the province will be in a better position to guide his colleague.

53. Then he had better sit alone?—We suggest this; not in all cases, but only in a few extraordinary cases.

54. You cannot expect a judicial officer to sit with an executive officer in trying a case. No judge of the High Court will ever consent to that. You are a lawyer yourself. Do you think any judge will ever consent to this course? (No answer.)

55. The next point I wish to ask you is this. You say "the functions of the District Superintendent of Police and the District Magistrate must not in any case be confined in one and the same person." That is to say you mean there must a separation of judicial and executive functions?—Yes.

56. Then you say, "The Sabha is also of opinion that appeals from the High Court must be for a

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"Supreme Court of India constituted to sit in some suitable place in India." You want the establishment of a Supreme Court?—Yes.

57. The next point that I have not been able to understand is this. You say in paragraph 16, "The question of the cost of administration of the province in the other departments also needs a thorough revision in the hands of a capable committee." Have you had anything like the Inchcape Committee, a retrenchment committee?—Yes, we had.

58. Did they recommend any cuts?—Several minor posts were abolished and the higher posts were increased.

59. You think that the retrenchment committee did not do its work well?—Yes.

60. Can you give me some instances of highly paid appointments which you would like to retrench?

—For instance, the Forest Officer. We have got the Chief Forest Officer on a salary of Rs1,500–2,000 and two other officers on Rs1,000 and Rs800. Instead of these three we would like to have only one officer as before the Reforms.

61. Have you got a development scheme in your province?—Yes. (Mr. A. B. Chengappa) We had one just as a war measure. As a war measure all these posts were created and they are continued even now. The scheme cost 20 lakhs out of which we did not get even one anna. A lot of new appointments even in lower grades were created and they are still maintained.

62. Can you give me any other instance?—Take the Public Works Department. We do not want the highly paid executive engineer on Rs1,000.

63. You have got no capital works?—No. It is all ordinary road repairs, and any work over Rs5,000 is to be sanctioned by the Chief Engineer in Madras. We have also got two subordinate sub-divisional officers on Rs500 each. Being a small province, and the mileage of the road including the district boards being about 400, I do not think we want such a big establishment with a top-heavy administration.

64. You say on page 293, "The Sabha feels that with a view to give an impetus to education it may be made possible to give a vote to such of those who have gone through the School Final Examination irrespective of any payment of tax to the Government." How many people will you enfranchise at this rate?—About 1,000.

65. You want that the candidates, that is to say, the members of the legislature must possess literary qualification?—Yes.

66. You say, "It may be found advantageous in this province to prescribe a qualification of literacy either in English or Vernacular." Have you got any illiterate members in your council?—We had one member, a nominated member, in the last council.

67. You want to make it a rule that no illiterate man shall enter the council?—Yes.

68. You want a higher degree of qualification for the candidate so that you will eliminate the ordinary politician, the man who has got no stake in the country, from sitting in the council and making laws?—Yes. We would suggest Rs100 assessment or any tax to that amount and we may have about 1,000 candidates to select from.

69. You want to enfranchise women. Have you so far got any woman in the council?—No.

70. Have you passed any resolution on the subject?—Yes.

71. And yet they are not enfranchised?—We have passed the resolution recently.

72. Sir Sankaran Nair: What is the language which the ordinary people in Coorg speak?—(Mr. A. B. Chengappa) Coorg language.

73. It is a written language?—No; it is a mixture of Malayalam, Kanarese and Tamil.

74. Have you got any written literature of your own?—No.

75. In what language are the religious books that you read written?—We read the books written in Kanarese.

76. Your tendency is to make Kanarese your language?—I cannot say that; we are learning English and Kanarese, and one is as good as the other as we will have to learn both.

77. In the ordinary schools is English taught?—Yes.

78. What is the other language which is taught?—Kanarese and Sanskrit.

79. All of you speak Kanarese?—Yes. About 60 per cent. of our people can talk Malayalam very well.

80. In the council what language do you speak?—Mostly English. When a speech is made in Kanarese it is translated into English.

81. In the law courts?—It depends upon the person.

82. In what language is the plaint written?—Generally in English.

83. Do the vailiks ordinarily speak in English or your vernacular?—In English.

84. In all the courts?—Yes.

85. Mr. Cadogan: Are you, broadly speaking, a religious community?—Coorg has a small population of 40,000. They have got unity amongst them; they cannot marry from outside. Even if they go outside Coorg for employment or for business, when they are 55 they come and settle themselves down in Coorg alone in the same way as Englishmen go back to England after retirement.

86. There is no communal question in Coorg?—No.

87. The Chairman: In what language is the newspaper printed?—The local newspapers are printed in Kanarese.

88. Sir Zulfiqar Ali Khan: Would you tell me if in your province there are men of other religions, for example, Mussulmans and Christians?—Mussulmans are in very small numbers. The population of Christians also is not much.

89. And people of other religions?—We have got about five to six thousand Brahmins and we have also a class known as Saraswats from Mangalore. A lot of this population includes the travelling population, by which I mean persons who come to Coorg for work.

90. What is the religion of the majority of them all?—The Hindu religion.

91. Then you have the same religion and the same tradition, social and political, as the Hindus have?—Yes, but socially we differ because we do not marry our girls before they are 18 and boys before 25 to 30. We have no untouchability; we can inter-dine with any community. As we have not got any literature of our own we cannot say how these social customs have come in, but somehow or other we have come and settled ourselves between the hills with some unique functions of our own.

92. Have you any tradition among your people that you come from outside?—The only tradition is that we are Kshatriyas, a fighting race, and that we came and settled down in Coorg. This is what people say, but there is nothing in writing to that effect.

93. I understand that you are as good as the other Hindus?—Yes.

94. What objection then have you to the amalgamation of your province with Madras?—As far as Madras is concerned, I think we have serious objections. Our customs will not agree. The well-cultured people of Madras may over-flock us and drive us away.

95. Have you any industries in your province?—Ours is an agricultural province. We grow coffee, cardamom and pepper and paddy.

96. Sir Hari Singh Gour: Sandalwood oil?—We get our main source of revenue from sandalwood.

97. Do you not extract oil?—No.

98. Sir Zulfiqar Ali Khan: Are there no mines?—No. We have a small tea plantation.

99. There is no prospect of an increase in your national wealth?—Not in the near future.

100. If you want to stand alone then your con-

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stitutional advance must be according to the measure of your resources?—Yes.

101. *Sir Hari Singh Gour* : You say "No." Your resources should be supplemented by the Central Government?—What they have taken from us they must give us.

102. *Sir Zulfiqar Ali Khan* : But they might give it you in a lump sum?—The interest itself will be a big sum.

*Sir Hari Singh Gour* : The interest alone will come to double the amount of your revenue.

103. *Sir Zulfiqar Ali Khan* : Would you be content if there is an advisory council with your own president and secretary?—No.

104. You want a full-fledged council?—Yes. The budget must be in our hands.

## Memorandum submitted by the Ganjam District Peoples' Association, Berhampore (Madras).

When the Reform Scheme under the Government of India Act, 1919, was introduced, it was expected that all concerned would set to work it successfully and in a reasonable spirit. Every great reform is confronted with difficulties, and could be worked only by a firm faith and a practical spirit. Too critical an attitude is never conducive to practical work. A section of the "Intelligentsia" from its inception looked upon the reforms with hostility and pronounced *a priori* as unworkable. But the so-called less advanced and the less educated people undertook the great task in Southern India with a determination to work it to the best advantage of the people in this country. They were ridiculed as amateurists unknown to political work, and the opponents of reforms expected a dismal failure. At Delhi and in Simla the party working the reforms in Southern India were grossly misrepresented and the bureaucracy readily listened to such tales without taking the least trouble to verify the same or scrutinize the source from which those tales emanated, but time has shown that opposition brought out the best in the people, and was a source of inspiration for the self-reliance with which the Reform Scheme was worked successfully for what it was worth. Much useful work was done also elsewhere in other provinces and in the Assembly. Experience has proved that successful working of popular Government does not always rest on the "politically-minded" people nor on those versed in formal rules and regulations. People with capacity and self-reliance receive the necessary training very quickly. Political education of the people is not an easy process, but the soil is now properly prepared. In the Memoranda on the working of the reformed constitution presented to the Reforms Enquiry Committee, 1924, which are published as Appendix III to the Reports of the Local Government (pages 101-113) Sir Rajah of Panagal and Sir A. P. Patro described the defects and difficulties of the present system of Government in the provinces and suggested remedies then practicable. Since June, 1924, there have been many changes in the Government of the country, and the result of the general elections in November, 1926, provided the real test for working the dyarchical scheme in the country. In the course of a debate in the Madras Legislative Council on August 24, 1927 (vol. xiii, pages 183-185) it was shown how the system broke down in the existing circumstances, and how it became possible for a few persons, "Independents," who did not seek election on any political programme or on a political creed, and who had no political organization which appealed to the electorates, could be called upon to undertake the formation of the Ministry without any common bond among them or joint responsibility. The Ministers continued at the sufferance of the "opposition," a majority group or party in the Legislative Council for the time. The moment such a precarious support was withdrawn, the Ministers had to rest on some other prop to maintain themselves in the Council. Thus it became possible for any small group or members to be in office with the aid of official nominated votes and to rely on the internal jealousies of parties to help their position. Such a state of affairs hardly tends to create responsibility in the Council or in the Ministers. Of course the straight, course would be for the Ministers to resign or for the Governor to dissolve the Council, not being able to form a stable Ministry out of the existing Council. It must however be remembered that the present situation was brought about by the refusal of the majority party in the Council to take responsibility and perform the pledges made to the electorates. "The basis of the system of responsibility is a lively and effective sense of sanctity of other people's rights. The majority must practice toleration and minorities patience. There must be a real perception of public welfare superior to the individual or party good." The responsibility of a member

ityuty is very great as in the

present state of political education, the electorate is not very far advanced to judge for itself and hence places great trust in its representatives to work for the general advancement of the country. By entering the Councils as representative of the people the member agrees to work the scheme of Government to the best advantage of the people. He did not inform the people that he would break up or wreck the existing constitution and obstruct Government. The election manifestoes did not assure the people of his destructive policy. It may therefore be a breach of faith in those cases but there is at present no way by which the electorates could call the member into question until the next general election when the candidates seek the support of the constituency. The policy of obstruction may be justifiable in regard to any particular measure or scheme introduced by Government which is not for popular benefit and obstruction is justifiable in a case where the electorate is fully cognisant of it, and approves the conduct of the member. Our electorates have not got the advantage at present of an organization in each area for such purposes. As such there is a greater responsibility on the member, as Trustee of the interests of the constituency to avoid the destructive policy. It is an important matter to be considered whether the responsibility of the member to the constituency should not be regulated until such time as political education has advanced far enough for the electorate to call upon the member to account for his conduct in any matter. Once elected, the member is now free to act as he likes even against the best interest of the country. It is impossible however, to frame rules in the matter. Discretion must be given to the member and it should be left to his sense of honour and political self-respect. The discipline of the party is however a different matter. We have not been able to find any procedure elsewhere to regulate the relations between the elected member and his constituency. The force of public opinion must guide in the matter. We have to see that the agricultural population is represented by proper men, who are of them, as far as possible. The man in the town or the "professional" man may be better educated or more intelligent but he may not represent real interests of the agricultural population in the Legislative Councils. The solution is to devise a system leading to real representation of the ryot and agricultural population. We recognize however that electorates have just begun to develop responsibility and the growth of proper relations between the member and the electorate is a matter of time.

Analogy is drawn frequently from Colonial forms of government and the scheme of "Provincial Autonomy" is suggested as the remedy for the defects of Dyarchy. Apart from the difficulty of defining "Provincial Autonomy," as each writer or speaker adopts it for the occasion, the theory is capable of a variety of implications. The immensity of the problem must be kept in view, the vastness of the country and the population of varying degrees of civilization differing in different areas from the hill tribes to the highest products of western education. We have to deal with a whole continent. Over all these areas, there has been one Central Government for India and the provinces had only subordinate administration. Indian Constitutional History points to the existence of one Imperial Government which had complete power of direction, superintendence and control over the entire administration and the province had no individuality or independence in the legislative, administrative and financial matters. The constitution of the Central Government was wholly bureaucratic. The various Reforms Acts gradually relaxed this control, direction and superintendence to such a degree that the Act of 1919 prepared the way for the application of the principle of "Full Responsible Government" in the provinces. The most important feature of any system of Provincial Autonomy is the division of functions between

the Central Government and the Provincial Governments. While in the Colonies each one of the States grew up according to its own genius, strength and character and became independent for all purposes, the provinces held their Governments irrespective of the outside control. A central Government had to be brought into existence later on, as a unifying force to facilitate inter-state and external relations of the States through a common agency. The Central Government is of later growth. The Provinces or States relaxed or surrendered some powers and vested them in the Central Government and defined those powers that could be exercised by the Central Government.

The present constitution which has taken the federal form is of gradual growth and seems therefore natural and most suitable. This development is different from that of Canada or of the United States or of South Africa. The States in those Governments entered into an alliance to form a Federation each independent of the other, having a separate mechanism of its own. The constitution of the United States enumerates the powers of the Federal Government thus leaving all power of Government not taken over by the Federal Government to be exercised by States Governments. In Canada the Act enumerates the powers of the Provincial Governments leaving all powers not so enumerated to be exercised by the Dominion Government. In India therefore the problem is to define clearly the relationship between the Central Government and the Local Governments. Devolution Rules were made to define this relation reserving certain powers to the Central Government in respect of legislation, finance, foreign affairs, etc. The Central Government or the Imperial Government of India was practically autonomous and its powers of direction, control and superintendence were gradually relaxed until the constitutional stage was reached in the Act of 1919 which embodied the memorable policy of the British Government proclaimed on August 20, 1917—"gradual development of self-governing institutions with a view to progressive realization of Responsible Government in India" as an integral part of the British Empire and the "increasing association of Indians in every branch of administration." "Declaration of rights" of the people may be sound in theory. It should be however sufficient for all practical purposes that the Government of India Bill finally declares and confers upon India the status of a self-governing Dominion making certain reservations regarding the defence of the country and foreign or international affairs. The scheme of self-government should be capable of automatic development in successive stages. What is most essential is to develop self-government institutions in the country with a view to the full realization of Responsible Government in the Provincial and Central Governments. The conditions of this problem were fully dealt with in Chapter VI of the Report on Indian Constitutional Reforms. In paragraph 153, it was observed that the successful working of popular Government rests not so much on status and written constitutions as on the gradual building up of conventions, customs and traditions. These are based on the experience and political thought of the people, but are understood and appreciated by both the governed and the Government. No one who has observed the conditions in India during the last decade can fail to see the wonderful progress made among the rural classes. The appalling state of illiteracy, poverty of the people and their economic helplessness may *prima facie* appear to be desponding. Nevertheless it is encouraging that the enormous country population is slowly becoming conscious of the new system.

"Provincial Autonomy" or Responsible Government in the provinces implies changes in the constitution of the Central Government. Unless there is a corresponding responsibility in the Central Government, the scheme of "Autonomy" becomes incompatible. The executive in the Central Government is now irremovable and is in a minority, though

vested with political powers, while the legislature consists of a large elected majority with no power to enforce its resolutions. It is only in the grant of supplies or during the budget demands of the Government, the Legislature can show its resentment or disapproval of policies. The executive is subject to the control of the Secretary of State for India who is responsible to the Parliament. The anomaly of an executive council irresponsible governing the country with an elected majority in the Legislature which has not got the sanction necessary to enforce its decisions, is an irritating and incongruous position. What is the remedy? Will the constitution of proper electorates bring in a more desirable relation between the executive and the legislature or will the introduction of responsibility in all the "Civil Administration" bring about better results? Until India gradually attains the stage when she could have control over the army, navy, defence and international relations the Governor-General must have control over the administration of these departments. Even in the Dominions, executive power of the Government of the Dominion of Canada, as also the chief command of the naval and military forces is vested in the King, represented by the Governor-General who is advised by a Cabinet consisting of a Prime Minister.

One essential characteristic of Responsible Government and the main source of its success lies in the development of party system in politics. Responsible Government will not be stable unless based on the party system. If a Government fails there should be the constitutional opposition to form an alternative Government. Ministerial responsibility will be meaningless if there are no parties ready and willing to form and support another ministry and carry on the administration of the country. In India there is a growth of party system though in multiple forms. There are many political parties and they are all tending towards the parliamentary system of Government and constitutional opposition. This is more fully referred to in the Memorandum. The history of the growth of the party system in other countries gives no room for doubt or diffidence in the gradual evolution of party system in India. The principles on which parties are formed will differ in different provinces. Racial or caste or communal antagonism will wear out in course of time. Nationalism must be based on more substantial basis than at present. It is worthy of notice that the rapid development of party system was stimulated by the working of the Reforms Scheme. In the old councils prior to 1919 there was no possibility of forming party system as there was no element of responsibility. There was the Government and all other additional members formed the opposition.

Again the success of representative institutions depends upon the degree of political education in the country. It is not only the rights of the people they should know, but they should realize the liabilities which they should shoulder, and this is a condition of sound political progress. The countryside is not unenlightened though not literate for purposes of statistics, and there is a great deal of social and political activity among the people. The Reforms have taught the voter that he has power in his hands, though this knowledge varies in degrees in different parts of the country. This is not peculiar to this country alone. The history of other countries shows that the growth of a desire for education among the peasantry is generally slow, while political and economic conditions remains static and the quickening influences come mainly from the better educated sections of the country, which are more sensitive to political and economic changes. A desire for a better state of things exists among the people. The agricultural population were ignored or neglected before, in every scheme of political reform. They are now taken into consideration under the Reforms Scheme. They are at present counted as of some value and use and hence attention is directed towards them and their condition. The ryot at present cares

more fully for his taluq or district and higher problems are beyond his present vision. He is now given a right of vote. The capacity for administration will come through the exercise of political responsibility. It should not, however, be overlooked that there is more intensive work from one side only, more in the direction of making the Government responsible for everything, for acts and irregularities which cannot properly be placed to the credit of the Government. This propaganda created a feeling of sullenness and discontent among the masses. There will be a greater degree of responsibility among the political workers of all parties when they realize that they must make good their promises. This has now dawned on that section of the population that was responsible for thwarting the success of the Reforms Scheme. They are struggling between stagnation and progress and will ere long, accept responsibility. They cannot be ploughing the sands for all time. It has become a wearisome task in public life. People have begun to realize that the Reforms adumbrated in the Act of 1919 are worth something. The rapid expansion of rural elementary education, through aided and panchayat agency, the construction of village roads and opening of rural medical aid, supply of drinking water and development of co-operative credit system have really opened their eyes to the fact that non-official agency has been doing rural welfare work. The elections for the panchayats and the local boards are becoming increasingly interesting. The percentage of attendance at the polls and the keen contest at the elections show that the people have begun to realise the importance and the power of the vote. On the whole political education has begun on the right lines. There is also an awakening for social justice. The Reform Scheme awakened the lower classes to assert themselves in the march of progress. The cruel injustice done to them under the alleged teachings of the Code of Manu and the inhuman customs established under its authority, are being realized slowly. The evils of caste are many and are deep-rooted in society. Men's minds are being prepared for rapid social changes. In all public schools there is no impediment to the free admission of the boys of the Depressed Classes though we wish it to become universal. The railway, the tram and the canals are doing their own bit. Protected water supply or supply through pipes and fountains in urban areas is breaking down the barriers of cast. Caste system is gradually giving way. The work is great and the time was short for the Reforms Scheme to effect a revolution. A beginning has been made. The farm labourer demands his adequate wages on threat of emigration to Burma, Ceylon or to the Straits Settlements. The old custom of tying the labourer to the land is gradually losing its hold on the farm servant. The workmen in the Municipal and Union areas are now combined. Industrial labour is organizing itself, though slowly. Labour organizations ought to be conducted by representatives of labour and not by those who have no share or lot in labour conditions. Depressed Class missions are now teaching them the right way to assert their rights. The Christian Missions also contribute to the emancipation of these classes. Educational work of non-Christian and Christian Missions is helped by public funds, by providing grants to elementary education in a larger measure after Reforms. We cannot go simply to statistics for the measure of these things. We cannot turn to census tables and tabulate the extent of growth and development so rapidly effected under the Reforms.

The problem of unrest in rural areas is two-fold, political and economic, more of the socio-economic. The governing factors are not all political. The ryot and the agriculturist are exploited when there is economic difficulty or distress in those areas. The solution of the rural problem lies in the economic and agricultural development of the country. Political rights alone will not improve his lot. The extent

of relief he could obtain may be gathered from the following among others :—

Relaxation of rules regarding the grant of (1) loans to agriculturists; (2) of Taccavi and remission regulations; (3) providing better facilities for using the Land Improvement Act; (4) opening of grain stores; (5) facilities for irrigation and opening of communications; (6) easy access to cheaper money and improvement of agricultural knowledge, urgent provision for improving the village surroundings. Political education will be slow until the ryot is able to get over the economic and social difficulties. Agricultural improvements will perhaps be dealt with by the Royal Commission but the demand is more pressing than appears on the surface. Any scheme of political reform ought not to overlook the present state of the ryot or the cultivator unless relief is provided to improve his surroundings and create self-respect in him. Political reform alone will not be an effective remedy.

We will now note briefly under some of the heads indicated in the Statutory Commission's statement. The term of reference included (1) an enquiry into the working of the system of Government. This subject was dealt with in the Memorandum and the conditions under which the Dyarchic system could be worked. We may again draw attention to the summary of the reports of the Madras Government in the Despatches of the 16th and 28th July, 1924, para. 18, "the above survey indicates in the opinion of His Excellency the Governor-in-Council that the transitional constitution has worked with a considerable measure of success in Madras. The habit of joint consultation in all matters has borne fruit in the smoothness of administration; there has been little or none of the friction between the different elements constituting the Government which is believed to have hindered the working of the Reforms in other provinces and has eventuated in complete break-down in some, and if an earnest endeavour to work on constitutional lines is a qualification for political advance, His Excellency the Governor-in-Council has no hesitation in asserting that the Madras Presidency has shown itself fitter for an advance than any other province." It is unnecessary for us to take a general survey again and reference is requested to pages 5—117 of the Report. On the question of the extent to which the Council represents and acts on public opinion reference is requested to para. 66 (page 78). In para. 67 the Report deals with the question of "How far and by what means relations have been maintained between members of the Council and their constituencies." On the question of the formation of parties within the Council, the Report in para. 68 stated, "If the two contending parties were to be described in political parlance and excluding the few individuals who hold extreme views postulating the absolute disconnection of the country with England, they might be called respectively progressives and ultra-radicals." The opposition now consists of Non-Brahmins, Swarajists, and Independent Nationalists. As regards the progress of Parliamentary practice and traditions it is said, "On the whole the members may be said to have accustomed themselves gradually to the restrictions required by Parliamentary decorum, no less than to the assertion of Parliamentary rights and privileges. In particular, it is gratifying to note that the number of occasions on which members lapsed into unparliamentary language have been exceedingly few." Party organization in the Council is described in para. 72. Since the note was written more definite organizations were formed, whips were appointed and party meetings were frequently held. The whips and party executives are ever on the alert to promote party interests and purposes. The interest evinced by the constituencies and the public in the work of the Council has been growing steadily and rapidly. It is becoming increasingly clear that the parties are working through party machinery. The present constitution being transitional, it will naturally give rise to difficulties but

the system did result in a great measure of benefit to the people. People who ran away from the responsibility of working it could only speak of it from outside and without experience, criticise it as a failure and as unsuited for the advancement of the people. But for the financial difficulties and the "Non-co-operation" movement there would have been greater success and greater benefit to the people from this transitory and transitional experiment. Suffice it to say, that in the direction of rural reconstruction very good beginnings were made when the finances of the provinces showed some improvement. (2) Regarding the growth of education, it may be confidently asserted that the expansion of mass education among the people was the chief aim of the Government. The vast problem of mass education would not be solved in six years. What remains to be done must not obscure what was done hitherto. Rapid advancement and improvement is demanded on all sides and this means money which can be raised only by taxation. We are all unwilling to be taxed. It is the same all over the world. Therefore those that carry out the work are placed in a difficult position.

A survey of the elementary education was made and the areas unprovided with any school were marked out on the map of every taluq and efforts were directed to supply the need. Local aid and local enthusiasm was stimulated and local panchayats were encouraged to take interest in the work. Villages are associated with schools. It was the object of the Government to awaken real interest in the villagers for the village school. Success has resulted by adopting such a policy. Part-time schools and night schools also were encouraged with a view to bring the principle of compulsory education into operation as early as possible. Compulsory elementary education is working in nearly one-half of the municipal areas. Educational cess is being levied in most of the Local Board areas. The educational councils under the Act are doing useful services. These are non-official bodies created statutorily to help the spread of elementary education, free and compulsory. After spreading schools in all villages a revision or consolidation is necessary to make the school more serviceable. Village libraries were subsidised, panchayats were enabled to open libraries in villages; (b) similarly secondary education was overhauled by a Committee and the High Schools were encouraged to adopt a practical bias for manual training in the curricula of the schools to train the hand and eye of the pupils. A special Officer was appointed to advise the schools on the nature of practical and vocational courses which would be useful in the particular locality. Practical education has become popular among pupils and management in many schools. Private enterprise is more largely aided in the development of secondary education. The Madras University was reorganized to make it more a teaching and residential University and a new University was established in the Andhra Desa. With the aid of more money and with revised scheme of elementary education, rural education must be carried on more vigorously. This is a pressing need. Details are not now discussed.

(3) Development of representative institutions has been a marked feature under the Reforms Scheme. The village is slowly and gradually awakening to the sense of self-respect which it had in the old days. The village panchayat, the village forest panchayat, the village irrigation panchayat, the village school panchayat, the village temple committee are some of the agencies which are reviving the old life in a new form; the village is the basis of national life and development. The elections conducted for the various rural organizations are developing a sense of responsibility. The working of the Union [panchayats and local self-governing institutions show irregularities and failures, but it is gratifying to note that the work has been of solid and satisfactory nature. A comparative study of local institutions and their working in other

countries will make it clear that the Indian institutions have very rapidly developed the spirit of self-help and are capable of greater improvement. There are always men of capacity and self-reliance ready to take up honorary work and they do it well. The elective principle is working its way to create a sense of responsibility in the member elected to the Municipal or Local Board. In the nature of things the voter will take time to be independent and there is every hope of his doing so.

Representative system as applied to British India, e.g. (a) the basis of franchise?—We consider that there is no need to radically alter the franchise for the present and introduce needless complications now. But the franchise may be extended to half of the present qualification or tax-paying capacity in urban areas. The power of further extension may be given to the local bodies themselves.

In the Parliamentary system the power of enfranchising population always remained with the Parliament and the Reforms Acts did not prescribe the extent of franchise. By the will of the people franchise is gradually extended. If by a majority of the local body at a meeting specially convened for the purpose it is decided to extend the present franchise they may do so with the approval of the Local Government. The basis of the present franchise is property and income. We would not, for the time being, advocate "Adult Suffrage." The existing rules of procedure may continue with modifications. In the case of the Depressed Classes the franchise may be lowered to enable them to take part in Municipal Elections. Madras Electoral Rules provide for qualification for electors. Rules 4-8 govern rural and urban constituencies. It may reasonably be asked how could Responsible Government be established when only 3 or 5 per cent. of the population is enfranchised and the electorates are illiterate? This is not a novel feature in India. The constitutional development in other countries shows how gradually the franchise is extended till we come to "equal or flapper vote." Moreover India as a whole cannot be considered for purposes of franchise. The present franchise may be broadened to represent the interests of the general population. This will be a gradual process. The conditions are improving and electoral experience is growing fast among the people. The expansion of franchise is indissolubly connected with Representative Government. At the outset it may seem that the masses are poor, ignorant and helpless and the entire population lives in rural areas. The town-dwellers contribute only a small proportion to the revenue of the State and therefore the political advancement must be slow until the rural population has been more fully educated. But as we have made it clear, the awakening in the masses has been very rapid and political education will grow more through the exercise of responsibility. Mistakes may be made and through such mistakes people will learn responsibility. The impetus now given by the Reforms must be continued and carried forward in higher stages of responsibility from the Panchayat to the Councils.

(b) The method of election is governed by the regulations for the preparation of electoral rolls for general and special constituencies of the Madras Legislative Council and by the regulations for the conduct of elections. These regulations have worked satisfactorily.

(c) The existing system of separate electorates is necessary for a time though this is not the ideal system. This has worked well so far. But with regard to the Depressed Classes it is necessary to organise unions or societies for them wherever possible and such organisations should be worked or controlled by leading men of that class. These societies may nominate representatives to a central body in the district which shall advise Government and prepare a schedule of suitable persons for nomination into the various local bodies, Provincial and Central Legislatures. Steps however may be taken



to form electorates wherever it is possible and practicable in urban areas by reserving seats for them. This is only tentative and is subject to revision by the Legislative Councils if the members representing the community demand by a majority vote for a modification of this scheme.

(D.E.F.) GROWTH OF PARTIES AND GROWTH OF INFORMED PUBLIC OPINION.

We indicated in the preliminary remarks that the Reforms Scheme has given stimulus for the party system and for creating informed public opinion. Parties on definite political principles are being formed and there must be some time before a well-developed and well-regulated party system could develop, throughout the country. The destructive creed of the Swarajists had not helped the development of party system on sound lines. If that party had undertaken the working of the Reforms Scheme then there would have been greater scope to form separate groups on special policies and that would have helped the formation of party system. One of the basic principles of parliamentary government is a party system. There are parties with a nationalistic programme and also for communal justice. In this country where communal differences are based on social customs and religious doctrines and sanctions, inequalities are inevitable. Education has progressed in one community more rapidly than in another and facilities therefore must be provided for all others in order that justice may be done to all communities in the administration of the country. The demand for communal justice is real. The growth of informed public opinion may be seen from the number of vernacular newspapers multiplied during the last six years and in the number of new institutions started in the country for carrying on social and political work. The two great political parties in South India, the Congress and the Justice Party have their organizations in every district and conduct party newspapers. Social and political work is carried on in the districts by holding conferences and conventions and by sending out social and political workers to popularise the particular creed and programme of the party. Pamphlets and leaflets and newspapers of all sorts reach the villagers. In the village the more literate among them read out news to the villagers and discussions ensue therefrom. The growth of independent public opinion must take time and it depends upon the dissemination of proper education. The growth of sound principles of Local Self-Government will be an effective agency to awaken the ryot or agriculturalist to the consciousness of his rights or duties.

Nomination of officials and non-officials may be continued but their votes may not be taken into consideration especially those of officials. They should be entitled to sit in the Councils and the Assembly and have the right to address and give the benefit of their advice and knowledge. The nominated officials are always useful in the Council. The nomination of non-officials to represent minority communities and unrepresented classes is necessary until provision could be made for elected representatives. The method by which particular interests or communities could be represented depends upon the extent to which the interests or communities affect the body politic. It seems to us that the present method of representation in respect of special communities or constituencies may be maintained. It is not possible to avoid them in any scheme of Representative Government in India. The problem of representation of industrial labour by "labour" proper is not easy. While there may be a large number of labourers in the mill-areas the railway workers, miners, workshopen other than railway men also form the bulk of the labouring class. They spread over several districts in the province. What is the representation that will be given to this class? The number of representatives must bear relation to the number of voters and that may be fixed in

proportion to the strength of the Councils, every worker of a certain age and of a certain wage-earning capacity may be enfranchised for the purpose. A detailed census of the strength of the districts is preliminary to any calculation in this matter as in the case of the Depressed Classes.

Suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions. The principle of formation of provinces on linguistic basis is sound for administrative purposes but the difficulty lies in procuring sufficient financial support either from the people or from the Government. A detailed examination is necessary before we could state definitely in the matter.

A. LOCAL SELF-GOVERNMENT :—

The provinces are divided into districts and taluqs for the purpose of revenue administration. The taluqs are again divided into firkas, within these firkas are a group of villages; in a largely populated village with a population of three thousand people, a union is established for local self-governing purposes. There are other functions exercised by the panchayats but the main work lies in looking after sanitation, opening of communications within the area and control over markets for the sale of food stuffs. Lighting of the Union area is also undertaken by some Unions. Powers to levy a small rate on property and income are given to the Local Bodies. The Union Boards are constituted on an elective basis, the franchise being payment of half a rupee as house or property tax or an income. In addition to these rural Unions, there are panchayats constituted under the Panchayat Act. These bodies consist of elected and nominated persons and have powers of administration. The Act has been in force for some time and the known defects may be amended in order to create a spirit of service and patriotism. During the year 1924-1925 the Ministry prepared drafts for amending the various Acts. Bills relating to Local Boards and Municipalities and bills for expansion of elementary education and to introduce the principle of compulsion in the rural areas were ready. In the drafts, devolution of powers was proposed and greater responsibility was vested in the Panchayat Taluq or Divisional Boards by the centralisation of functions. Greater financial independence, subject to the periodical audit was proposed. The reluctance of the local bodies to tax themselves was sought to be got over by relaxing the control of the Government. There should be officials connected with all these Boards. The Collector will continue to have certain emergency powers as is now provided in the Acts. The directions in which Government control could be minimised is not an easy matter. While audit is a safe check, there should be certain emergent executive powers in the Government to interfere in cases of misconduct and gross abuse of powers. To what extent this control should be exercised is a matter of detail. Local bodies are now accustomed to look forward to Government subsidies. This must be discontinued. Local rates and taxes may be so adjusted that fixed grants may take the place of the present system and any further demand by local bodies must be met from loans or rates. They must be accustomed to this financial self-reliance. This will lead to the true realisation of the spirit of self-reliance. The institution of local self-government forms the real training ground for many public men. They see therefrom that barren opposition to the administration will do no good to the people. Constructive work and service will alone bring happiness to their constituencies. From the local bodies trained men have come forward for the Provincial and Central Councils. The progress of local self-government in South India is most promising since the Reforms and contributes largely for the successful work in the Legislative Councils. The administrative experience gained in the divisional and district work encourages real responsibility. On the Legislative Councils we find

a large number of elected members who had such training and experience.

#### PROVINCIAL COUNCIL :—

(a) The present constitution of Councils should be more satisfactory in the sense that the real representation of the agricultural population should be more adequate. The change in constitution depends upon the formation of electorates. The question of electorates has a distinct bearing on the constitution of the Councils. It is preferable to have single member constituencies, irrespective of the revenue divisions as they at present exist. The number of representatives may be based on population of the area. In an enlightened and richer division there may be more voters than in a poorer but more populated area. The principle of representation by population seems to be better in these cases than representation based on voting strength. If the franchise is lowered to half of what it is at present, the area of representation will be wider. We said already that the special electorates may be continued and the system of nominations also with modifications. The strength of the Legislative Council may be raised to 200 with power to raise it in case the franchise is further lowered and the electorates become further larger and the Councils also resolve for the purpose. A large addition is likely to lead to greater expenditure and perhaps inefficient work.

(b) The working of Dyarchy was described in the Memorandum referred to above.

(c) The points referred to in (d) to (h) were dealt with under sec. 49 (i), clause 2. Business rules framed in this Presidency do not give Ministers sufficient freedom to transact business independently. In the rules framed by the Governor he takes large powers to himself. Moreover under the Act the Minister is to advise and if his advice is not accepted he may resign or if he does not comply with the view of the Governor he may dismiss him. It is a precarious position. The relations between the Minister and the Governor as defined in the rules are not satisfactory and do not tend to smooth working. No doubt it depends upon the persons and personalities to a large extent. Even a nomination to the local bodies must receive the approval of the Governor. In the Transferred Departments schemes of development are often delayed and the financial scrutiny does not confine itself to giving advice on the schemes of new expenditure or other functions detailed in the Devolution Rules 37-39. Experience shows that the control should be limited as much as possible. There should be no transferred and reserved subjects. The power of veto may remain in certain cases relating to law and order. When the Provincial Councils are enlarged and when full Responsible Government is conceded to the provinces at once, a second chamber is necessary. The constitution of the chamber will be different from the Councils and shall consist of fifty members and a certain property qualification is essential. Further, one who is not thirty-five years of age shall not be qualified to be a member. The establishment of full Responsible Government in the provinces will necessitate readjustment of the division of subjects into provincial and central. The list now given in the Devolution Rules may be recast. How far should the control of the Central Government be retained after the change? Sec. 45 (1) of the Government of India Act regulates the relation of Local Government to the Governor-General in Council. There are three ways in which direction or control is exercised: (1) Legislative veto of the bills; this power is rarely exercised; (2) Financial, after the release of the province from provincial contributions and a readjustment of the sources of revenue and re-allocation of revenue for the provinces as in the Devolution Rule 14 and with the rules regarding the raising of loans, provinces have practically financial autonomy; (3) Administrative. This is necessary in cases of emergency where the army will be required to maintain law and order in the provinces. The control over the transferred subjects was limited by

Devolution Rule 49 and a similar limitation will be made when all the subjects are transferred and Devolution Rule 13 will consequently be modified as also schedules I and II of the Devolution Rules. It is most important to define the limits of control by the Central Government. In the division of functions there are subjects allotted to the Provincial Government over which superintendence of Central Government is inevitable. The Central Government must have residuary and reserve powers.

#### CENTRAL GOVERNMENT :—CONSTITUTION, POSITION AND POWERS OF THE GOVERNOR- GENERAL.

"It is no longer sufficient to administer India. It is necessary also to satisfy her political aspirations." This must be the true spirit of Reforms in the Central Government. The experience gained in the past is of great value to the nation, we do not wish to theorize in dealing with the problem; it is beset with many practical difficulties. We venture to state our views so that they may be carefully considered. The Central Government may consist of experts who have Parliamentary training and experience and other members of the executive council who should be responsible to the Assembly. An irremovable executive was tried in other countries, the conditions of the Assembly may justify a similar experiment, it was no doubt rejected in the Montford Report. A review of the principle seems necessary after the experience of the past years. The position of the Governor-General is stated in Sec. 33 of the Act subject to the control of the Secretary of State for India who is responsible to Parliament. We must take a plunge forward and have faith in the future and in the political capacity and self-reliance of Indians and introduce responsibility in the Central Government. The Assembly may be reconstituted in a manner that one member may represent one district area in British India. This may secure reality in the representation of agricultural population. The qualifications of members may be raised and the electorate may be broader based. The object of our suggestion is to have a more real representation of the people of the country. Similarly, the Council of State also should be enlarged. In the Government of India, the Governor-General shall be responsible for the following subjects :—

1. Defence of India.
2. International relations.
3. Relations with Indian States and all other subjects shall be administered by members responsible to the Assembly assisted and advised by experts where necessary who shall have offices for a fixed term of years. For "it should be the purpose of any scheme, desired for the Self-Government of India to blend together as far as possible the British and Indian Agents in the great task." The Governor-General shall be the President of the Executive Council and shall have reserve powers to exercise in times of emergency. The relations between the two Houses may continue to be as it is now. H.M. The King is the ultimate authority and source of power for the Government of India. The Legislative power of India shall be vested in H.M. The King, and the Assembly. British Parliament will retain power to intervene in matters pertaining to foreign relations and defence. India should have an equal status and shall be a partner in the Empire along with the Colonies. To this end the power of the Secretary of State for India must be totally revised in order that India might have a Secretary on the lines of the Secretary of State for the Colonies. It may be reasonably asked while the present system of Dyarchy is a failure how will it be practicable in the Central Government? and again while the executive government is now placed in a difficult position with the present strength of the Assembly any increase will it not create greater difficulties? To the first we would submit that there is no question of transferred or reserved as in the present system. To the second, we are confident from our experience of Madras elections that there will be facilities for more proper

representation of rural population than at present who will be more responsible.

There will be no need for the Council of India. The affairs of India under the changed conditions cannot be administered from Whitehall though the air-craft and radio have bridged over space and time. The large powers and responsibilities of the Secretary of State to superintend, direct and control Indian affairs is a relic of Sec. 21 of the old Act of 1915. Mere delegation of powers to the Government of India is not sufficient. Government of India ought to be responsible to the people of India and to H.M. The King. The Secretary of State shall be the channel of communication to the British Government on Indian affairs. The existing services must be guaranteed all their privileges and rights and the recommendations of the Lee Commission were generally accepted by us. Appointment of a Public Services Commission is not an effective remedy to adjust inequalities in the services. In certain provinces particular classes are predominant and other classes or castes equally qualified with others have yet no chance of entering the services owing to a practical monopoly of the places. Unless there are rules to regulate recruitment in such a manner as to render justice to all classes of people, recruitment through the Public Services Commission will not create contentment. The function of a Services Commission is to select candidates of equal qualifications and prepare a list for the guidance of departments out of which the heads of departments may make the necessary appointments. That is what the Staff Selection Board is now doing in this province. From a re-survey of the situation it seems necessary that the functions of the Public Services Commission as at present defined do not adequately safeguard the claims of people all round.

As long as India depends for her internal peace and external protection on the military and navy of Great Britain it is vain to talk of "independence," or "self-determination," and whatever may be the other constitutional changes that will be made; the Military and Naval independence of India should proceed quicker and steadier, in order that efficient Indian Military units may be developed. Until then the British Parliament is bound to continue to control India's foreign policy. For our part we will fight for our freedom and will fight on the side of Britain. So far as the changes in the Central Government are concerned we have indicated above that responsibility may be introduced in the Central Government and that the administration of defence, foreign relations and dealings with Indian States should be vested in the Governor-General of India. We have also suggested the idea of irremovable executive as in the United States of America, as an alternative principle. The policies in these departments under the Governor-General may be open to discussion in the Assembly, their finances will be non-voted, after the Assembly has had the opportunity of examining their financial condition by an expert committee. We suggest that after the recommendations of this committee are accepted by the Assembly the allotments shall not be subject to reduction but any excess expenditure will be dealt

with on its own merits subject however to the certification of the Governor-General on special grounds relating to peace and tranquility and good Government of the country. In the case of other departments the members administering them, be they officials or non-officials shall be responsible to the Assembly. In the case of experts in Finance, Commerce or Railway they will also be equally responsible to the Assembly and would only vacate their seats if a direct vote of "no-confidence" is passed against the Government as a whole by two-thirds of the members of the Assembly. In the case of officials of the Government they revert to their former position as Secretary or Commissioner and in the case of experts they resign and retire with all the terms of contracts duly fulfilled by the Government. These members will bring new ideals and fresh life into the Assembly so that it may carry out the highest traditions and the best ideals of Parliamentary Government. Rules may be made to regulate work in the Assembly but example is far more effective; Swaraj or Responsible Government in India must imbibe the spirit and character of the Parliamentary Government and those who have experience of the art and science of the system are best able to assist us. A blending together of British and Indian elements is absolutely essential for the good Government of the country. Therefore it is that we emphasized the desirability of securing places in the Government for experts of the class. We have also referred to the gradual building up of Responsible Government in India. We propose that a scheme of Government may be framed which will automatically carry forward to the goal, provided the progress is not retarded by causes for which the scheme is no longer responsible. There should be no room for doubt as to the goal to which we are advancing. When the people have gained practical experience and political self-reliance and have proved their capacity and character it should be possible for the representatives of the people to determine the nature and form of Government for the country hereafter. Here again as in the case of Local Self-Government they may make mistakes but will learn from the practical working of the administration. We anticipate difficulties in preparing a scheme which will automatically take all the people of India from one stage to the other and to make provision for necessary conditions of development. Periodical survey by the representatives of the people to determine the further lines of political development assisted and advised by British representatives if necessary may be one of the means of ascertaining whether the people are ready and willing to take the step forward with all its consequences.

The foundation for the whole scheme must be laid in the full development of Local Self-Government, which should provide opportunities to the ryots and the rural voter to realise real responsibility, to learn to vote independently and to acquire experience and knowledge of the methods of the administration. Swaraj will inevitably become possible when that development is reached.

### Memorandum submitted by the South Indian Liberal Federation, Madras.

In presenting this Memorandum regarding the future political constitution of this country, the Federation desires to confine itself to making recommendations which can immediately be given effect to, and to suggesting improvements in the constitution which can readily be made, without danger either to the internal peace and security of

the country or to the legitimate interests of any section of the people therein. The Federation desires it to be distinctly understood that the proposals herein contained have been put forward after careful consideration and in the hope that if accepted they will result in organising public opinion in favour of the new constitution and giving it such

support as would enable the new constitution to be successfully worked. The main suggestions of the Federation are :—

1. The establishment of Provincial Autonomy with an Executive responsible to the Legislature in the Provinces.
2. The creation of a responsible Executive in the Central Government with reference to certain subjects.
3. The continuance of the control of the Military services in the hands of the Imperial Government.

#### PROVINCIAL AUTONOMY.

The present system of Dyarchy in the Provinces cannot be worked much longer and it must give place to some better and less rickety constitution. It is unnecessary to dilate on the many disadvantages from which public workers, Legislative Council members and administrators are suffering on account of the somewhat abnormal constitution which exists in the Provinces at present. The system requires exceptional conditions for its satisfactory functioning, and it is becoming increasingly clear that such conditions cannot be predicated of any Province much longer. The only alternative to the present system is taking a bold step forward and granting full responsible Government in the Provinces. Dyarchy must go, yielding place to a Unitary Government responsible to the Provincial Legislature. There have been attempts to speak of Provincial Autonomy with a number of mental reservations as regards what is implied by the phrase. The Federation deprecates any idea of centralising subjects which have now been declared Provincial. Whatever defects may be pointed out regarding the classification of the subjects into "Reserved" and "Transferred" in the Provinces, the classification of central and provincial subjects has, on the whole, been satisfactory. If complaint there is at all, it is in the direction of suggesting that some central subjects at present may easily be provincialised in the interests of efficiency and quick dispatch of business. When, therefore, the Federation speaks of responsible Government in the Provinces, it means a Government responsible to the Legislature for the administration of all those subjects which are now in the charge of the Provincial Government and which have been declared as provincial subjects.

#### LAW AND ORDER.

The Federation is aware that difficulties have been suggested in the way of granting such autonomy to the Provinces, particularly in relation to the administration of the subjects of Law and Order. It has been pointed out that these are subjects which require a higher degree of unbiased efficiency in the administration and that it is difficult, if not impossible, to expect Ministers responsible to democratic assemblies to administer them in that manner. The Federation would like to reply by pointing out two distinct and different considerations which may negative the force of this criticism. In the first place, this kind of reasoning involves a want of confidence in the sense of responsibility which Ministers may have, and will naturally lead one to the conclusion that Provincial Autonomy and much more Dominion Status is an impossibility in this country. The history of Ministerial administration throughout the country and particularly in this Province does not justify one in entertaining these fears regarding impartial and efficient administration. It may also be pointed out that the administration of Law and Order has, at least in this Presidency, been in the hands of Indian Executive Councillors during the past few years, and there is no suggestion whatsoever that there has been a slackening of effort to administer Law properly or to maintain Order in the Districts. If the argument is seriously raised that an Indian Executive Councillor is, after all, not directly responsible to the Legislative Council and that his seat in the Government is

secure and is unaffected by decisions of the Legislature it may be pointed out that Indian Executive Councillors have shown themselves as much liable to be influenced by the legitimate wishes of the Legislative Council and have shown an anxiety, with rare exceptions, to obtain the goodwill of the Legislative Council and its moral support in the administration of their subjects. In fact, it would be equally fair to suggest that, with some few exceptions, Executive Councillors, whether Indian or European, have been as popular with the Legislature as Indian Ministers and that they have often tried to concede to the wishes of the Legislature without detriment to efficiency and without the officers of the Police Department being under the fear that they may not receive support from their superiors on critical occasions.

#### THE MADRAS RECORD.

The records of the Legislative Council, also, will amply establish the fact that a sense of responsibility has been shown on numerous occasions by the Provincial Legislative Council in regard to this very question of the maintenance of Law and Order. Madras has had its problems in relation to this vexed question and they have been problems not certainly inferior either in complexity or in their far-reaching consequences to problems elsewhere. The Moplah rebellion, which broke out early in 1921, the Non-co-operation Movement which convulsed the entire Presidency by an unprecedented agitation, the Bardoli programme of non-payment of taxes which had its echo in the Guntur District, where there was a refusal of payment of taxes and the whole system of Revenue administration was in danger of breaking down, the passive resistance movement with reference to the establishment of a municipality at Chirala, the determined stand of the landholders of Tanjore against the proposed enhancement of taxation due to resettlement—these were some of the problems which faced the Member in charge of Law and Order and presented themselves to the Legislative Council. What was the attitude of the Legislative Council with reference to every one of these problems? Even at that time when the subjects were reserved, when the Legislature could have afforded to remain as if unconcerned with these problems and to have taken up an attitude of antagonism to Government in the safe belief that ultimately extraordinary powers will be brought into use if necessary—even at such a stage when the path of ease and popularity lay in the Legislature not supporting the Government in the drastic action that it sought to adopt to combat these problems—the Madras Legislative Council by a very large majority supported every measure which the Government advocated with reference to these various problems. It seems to the Federation that it is unfair to such a Legislature to suspect that, when its powers are greater and its responsibility more direct, it would not rise equal to the occasion.

#### INFLUENCE OF MINISTERS.

There is another consideration which the Federation would like to place as an affirmative reason for transferring the subject of Law and Order to the control of popular Ministers. It has been the experience not merely of the Madras Legislature, but of practically every Legislature in the Provinces that Ministerial administration helps to create a body of public opinion in favour of measures which Ministers desire to adopt. So far from the Ministers yielding to the clamour of the Legislative Councils without regard to their responsibilities or the interests of the country, it will be found from an examination of the proceedings of the Councils that Ministers have stayed the Legislatures from rushing into the adoption of policies which do not bear a thorough and careful scrutiny. The Federation would like to instance the administration of the Excise Department in the various provinces as a test case of how Ministerial responsibility tends to promote a steady policy in the administration of such Departments.

When Excise became a transferred subject, it was generally felt that the keenness with which the Indian public, and particularly the educated section which is generally prohibitionist, desired to pursue a policy of total prohibition, would result in the extinction of the Excise Department and the total abolition of the excise revenue; and nothing stood in the way of the Provincial Legislatures declaring themselves immediately for total prohibition, and in fact moves of that kind were made by individual non-official members of the Legislatures, sometimes from enthusiastic reformatory motives and sometimes with devious political objectives. But it must be acknowledged to the credit of the Legislatures and to the support which the Ministers enjoyed, that these motives proved futile. If the history of the administration of the Excise Department during the last ten years is any indication at all of how policies will be changed by a popular Legislature, the inference is clear that responsibility to the Legislature will strengthen the hands of the administrator in stabilising the policy of the Government.

The Federation feels, therefore, that as far as it is humanly possible to foresee the trend of events, there is no reason to fear that, either with reference to the administration of Law and Order or with reference to any other subject, chaos or want of sound policy will characterise the working of Government if these subjects are transferred to the control of the Legislature. At the same time, the Federation realises that the constitution must make provision for all eventualities, however unlikely, and for emergencies, however rare. The question of providing for safeguards when Provincial Autonomy is guaranteed is, therefore, a question which the Federation must squarely face.

After giving the subject its most anxious consideration, the Federation has come to the conclusion that the only safeguard it can think of is the vesting of extraordinary powers in the Governor of the Province to intervene on occasions of emergency. These occasions would, naturally, be extremely rare, and it is the hope of the Federation that they may never arise at all. But still, as the Federation has already observed, it is a provision or an insurance against extreme contingencies.

The Federation would only like to observe, finally, with reference to this aspect of the question, that anything short of full Provincial Autonomy in the sense suggested above would fail to satisfy any section of the people and would lead to greater complications than exist at present; and it is the fervent hope of the Federation that the Commission will recommend, and the Parliamentary authorities will accept, this recommendation.

#### CENTRAL GOVERNMENT.

The position of the Central Government *vis-à-vis* the Central Legislature is at present one of great anomaly. The learned authors of the Montagu-Chelmsford Reforms gave the most convincing arguments against the creation of a Legislature with mere critical powers and with no responsibility for actively shaping policies. It is inexplicable why, with the lesson so well learnt from the Minto-Morely system of Reforms, the same system should have been continued in the Central Government. The time has come when responsibility should form a feature of the Central administration also. The argument that the present Central Legislature has, by its irresponsible methods of dealing with subjects, shown itself incapable of developing a sound system of democratic constitution is, even if correct, an argument round a vicious circle. The Central Legislature has the record it at present possesses merely because no power and no responsibility has been conferred on it, and so long as that system continues so long will irresponsible criticism be the main characteristic of any Legislature. The Federation is aware that there are two schools of extreme thought diametrically opposed to each other on the

question of introducing responsibility in the Central Government. On the one hand, there is a school of thought which believes that the entire Government can be made totally responsible to the Legislature and that immediately. On the other hand, there is a view that no sort of responsibility can be introduced in the Central Government and that the Central Government stands for order and for the prevention of that chaos which will overtake the country if the prestige and authority of the Central Government is in any way weakened, that the line of reforms is not to dilute responsibility in the Central Government, but rather to stiffen and strengthen that responsibility and make it more absolute than it is at present and less liable to have its policy affected by considerations of respect and regard for public opinion as expressed in the Indian Legislative Assembly. It has been freely stated that, though under the present constitution there is no responsibility given to the Legislative Assembly and that the members have only the free right to criticise, still the intangible and imperceptible, but none-the-less real, pressure which the Legislative Assembly exerts on the Government has acted to the detriment of the administration and made it weak and to a certain extent unstable. These are views with neither of which the Federation is in a position to agree. The Federation has stated at the very commencement that its object in presenting this Memorandum is to put forward a system which is as close to the practical realities of the situation as any system can be and that it has taken into its consideration every difficulty and tried to find methods by which these difficulties can be obviated. The Federation recognises that there are branches of administration which cannot at the present moment be handed over to the control of a popular Legislature. The difficulty and complexities that surround the administration of the Army and the Navy, the relation of the Indian Government with Foreign Powers, the relation of the Government with the Indian States, are subjects of such vast and obvious importance that the Federation feels it would be neither statesmanship nor political wisdom to suggest that complete responsibility in the management of these subjects should under the present circumstances be vested in a Government under the control of a popular Legislature. On the other hand, the Federation feels that those who advocate a policy of reversal, or at least a policy of standstill with reference to the Central Government, have not taken into account the spirit of the times, the mentality of the people, the political advance the country has made, and the dangers of a policy of stagnation. A policy of reversal carries with it its own condemnation. Public opinion, which has been accustomed to express itself in the manner in which the Legislative Assembly has done, cannot be shut out by statutory enactments. The Federation is, therefore, forced to the conclusion that a policy of progress is as much needed with reference to the Central Government as with reference to Provincial Governments. It is strongly of opinion, therefore, that a certain amount of responsibility ought to be introduced in the Central Government. It may, however, be asked whether it is not illogical to suggest Dyarchy in the Central Government while condemning the very system in the provinces. The scheme that the Federation suggests tries to eliminate as far as possible the element of Dyarchy as it is now understood. The future Legislative Assembly, the Lower House of the Central Legislature, would have control over all subjects now classed as Central subjects, except the Army and Navy, Foreign and Political Relations, Relations with the Indian States and allied subjects—these subjects will be entirely withdrawn from the purview of the Legislative Assembly. No resolution will be permitted with reference to these subjects. No budget grants will be moved for finding money for the administration of these subjects. The Lower House will have no connection, directly or indirectly, with the administration or financing of these services.

## ARMY AND NAVY.

The question then arises how these subjects will be administered and whether at some stage or other public opinion should not express itself even by way of criticism with reference to the administration of some of these subjects. It will be readily pointed out that the proposal of the Federation involves a resiling from the existing state of affairs, that the Assembly now has a right to criticise the Army Budget and move resolutions regarding the administration of the Army and move special motions regarding the conduct of any particular sub-department and in other ways try to influence the administration with reference to these subjects. These are valuable rights, however ineffective they may prove themselves to be in the ultimate, which the present proposals would deprive the Legislature of. The Federation realises the force of this observation, but feels that there is no help for it, particularly if, as is very desirable, the pitfalls of Dyarchy should be avoided in the Central Government. But, at the same time, to give scope for the ventilation of public views in some form or another and at some place or other, the Federation suggests that these subjects may be discussed in the Council of State and in the Chamber of Princes. The subjects, which the Federation wishes to remove from the purview of the Lower House, concern not merely British India but also the Indian States. The Indian Princes are as much interested in the question of an adequate Army and a proper Navy and Foreign relations as the people of British India, and both are interested in a proper understanding of the relations between British India and Indian States. The Federation, therefore, proposes that besides the Legislative Assembly and the Council of State, a third Chamber—a Chamber of Princes—should be constituted by a statutory enactment and that the subjects referred to herein should be discussed at a Joint Session of the Council of State and of the Chamber of Princes. Over this Joint Session of the two Houses His Excellency the Viceroy will preside. At this Joint Session the power of moving resolutions regarding these subjects and the budget relating to them will be exercised.

The financing of these services, which have been removed from the control of the Indian Legislative Assembly, is naturally a question which has to be solved. The Federation suggests that a Commission should be immediately appointed to fix the amount that is required for these services and that this amount may be treated as the maximum amount which can be utilised without the sanction of any authority for the administrative departments, subject, of course, to the control of public audit and other departmental controls for a definite period of time, say 10 or 15 years. Over and above this, His Excellency the Viceroy will be given the power to allot, in cases of emergency, such amount as may be required in excess of the maximum fixed by the Commission. The revenue of the country will be allocated in the manner suggested above, and, after the amount required for these subjects is appropriated the balance will be distributed among the different departments and the budget so framed with reference to those departments alone will be placed before the Indian Legislative Assembly for its consideration.

FRANCHISE AND ELECTORATES.  
PROVINCIAL.

The question of franchise and creation of electorates is not the least difficult of questions that face those who desire to formulate a constitution for any country. The Federation is in favour of continuing the special and separate electorates existing at present, so long as there is no move either from the interests which have received special representation or from the communities who enjoy separate electorates that this system be changed. The experience of the Federation of general electorates has not been so happy nor of the separate electorates so bitter that it could readily join in the cry for the abolition of the latter or the perpetuation of the former. The Federation

does not agree that all communal evils existing in the country at present are due either wholly or in a very large measure to the creation of separate electorates. In particular with reference to the Hindu-Moslem representation, the Federation feels strongly that so long as there is no desire among the general mass of the Moslem public to change the system of separate electorates into one of joint electorates, either with reservation or otherwise; so long as the Moslems feel still doubtful whether their interests will be safeguarded under any other system of electorates; so long as there does not exist complete trust and confidence in the larger communities; so long will it be neither wise nor politic to insist on the creation of joint electorates. The remedy for the removal of communal evils is not the mechanical substitution of one system of electorates for another, but the more difficult psychological process of creating mutual trust and confidence. The Federation must unreservedly state it as its opinion that in the country as a whole, and in this Presidency in particular, Moslem opinion continues to be strongly in favour of separate electorates. Even those Moslems who agree to the system of general electorate with reservation couple it with conditions which clearly and conclusively prove that it is not so much the advantage of general electorates that they have in view as the advantage of adventitious and subsidiary conditions which they propose in consideration of their accepting joint electorates. The Federation is, therefore, clearly of opinion that till the Moslems make a definite move on their own initiative for the abolition of separate electorates and their substitution by joint electorates, the present system should not be disturbed.

## HINDU-MOSLEM QUESTION.

It should also be remembered that the system is the result of a definite compact or compromise between the two high contracting parties, the Moslems on the one hand and the Hindus on the other, arrived at at Lucknow and ratified by the Imperial Parliament itself. It has been put forward and very rightly by Moslem delegations that this pact should not be reopened without the complete concurrence of both the contracting parties and that separate electorates should not go unless the Moslems are willing parties to general electorates. The logical corollary also follows that any change in the present system like the variation of the strength of the two communities in any of the legislatures ought not to be made either to the detriment of the Moslems or that of the Hindus without the consent of the contracting parties. The Federation feels that this is wholly the crux of the problem and trusts that the Commission will leave matters in *status quo* till there is a determination on the part of both the communities to adjust their mutual rights and obligations to the satisfaction of each other. Till then, the Lucknow pact ought to be continued and no political party will be justified in advocating its disturbance. In this Presidency the Moslems have had representation in excess of their number whether population is the basis for electoral rights or whether the voting strength according to property qualification is considered the basis. The Province has adopted it during the last decade and the Federation does not feel justified in advocating a change under the circumstances stated above. The same observation applies, though, perhaps, to a less degree with reference to the European, the Anglo-Indian and the Indian Christian special electorates which exist in the Province. The Federation does not also propose to disturb the special electorates of the landholders and of commercial interests. It recognises the need for such representation and feels that there is nothing opposed to a democratic system of Government in a fairly balanced representation of all interests and of all classes.

## FRANCHISE.

Having advocated an extension of responsibility the Federation may be asked whether it proposes to

widen the basis of that responsibility and, if so, to what extent? The Federation undoubtedly believes that adult franchise is the ideal, but no country has jumped into adult franchise—at least in the British Isles—and unless one is prepared to face a possible breakdown of the electoral machinery and the creation of forces the exact scope and nature of which it is impossible to forecast, one is bound to be cautious in the advance towards broadening the basis of democracy. The Federation feels that reducing the present qualification by half will be sufficient broadening of the electorate for all practical purposes, and puts forward the suggestion in the hope that it will be acceptable to reasonable opinion throughout the country.

#### THE DEPRESSED CLASSES.

The question of representation of the Depressed Classes in the Legislatures has engaged the very serious and anxious consideration of the Federation, and the difficulty of the problem has not been lessened by the obvious fact that the Depressed Classes themselves have naturally felt that the complexity of the problem is such that they cannot put forward a ready-made system. There are some considerations however, which ought to prevail and regarding which there seems to be unanimity of opinion. That the present system of nomination of Depressed Classes should go admits of no doubt whatsoever. That it should give place to some system wherein an element of election would exist, and that the will of these classes should somehow be ascertained equally admits of no doubt. What exactly is that system which can give the right of election to the classes and yet not involve the expenditure and other consequences of a wide and vast electorate—consequences which would fall particularly hard on members of a community situated as the Depressed Classes are—that is the problem which has to be solved. One possible solution is the division of the Depressed Classes under different groups and according to their residence in different geographical areas, and the formation of Unions among them recognised like Trade Unions under a proper statute and the giving of power to these Unions to send representatives to an electoral college which in its turn will choose the required number of members of Legislative Council. Another suggestion is to get the various registered Unions to suggest names and out of the panel to get the requisite number of representatives by selection by the Government—a process which involves a limited right of nomination. These are suggestions which the Federation has put forward with great diffidence. The Federation is agreeable to accept any reasonable proposals which the affected classes themselves put forward for their proper representation. It may, however, be observed that in the general Hindu electorates these classes will continue to have their votes under the lowered franchise and will continue to exercise their general influence in the elections which as the franchise gets lowered more and more will be greater and greater. As regards the number of representatives from these classes, it should be remembered that at present there are ten members nominated from these classes in a Legislative Council of 134. That it is not altogether an inadequate number will be realised from the comparative strength of other communities. The Federation is, however, agreeable to a maximum of ten per cent of the elective strength of the Council being reserved for members of the Depressed Classes, in which category come the Adi-Dravidas, the Adi-Andhras, the Arundhateyas, the Yeluvans, the Mukkavans, the Oobravas and other communities which are really depressed.

#### LABOUR.

The question of the proper representation of labour in the Councils has been prominent before the Federation, and the Federation has come to the conclusion that, apart from the lowering of franchise, a special effort should be made to get certain classes of labour more directly represented in the Councils.

Labour in this Province may roughly be divided into two classes, the agricultural labour and the industrial labour. So far as agricultural labour is concerned, not merely by the reduction of the franchise suggested above, but by direct representation of the large body of the Depressed Classes, the Federation feels that adequate representation has been secured for it. Agricultural labour is very largely constituted of the Depressed Classes, the term being used in the extended sense referred to above. In rural areas, moreover, the petty proprietor who is proposed to be enfranchised under the scheme of the Federation, is the actual manual labourer, and the reduction of the franchise leads to his vote being recorded at the elections. The class of labour that may not get representation is the labour employed in industries in urban areas. To the extent that even here the franchise has been lowered, to that extent the industrial labourer will share in choosing representatives. But that by itself would not ensure a representative of his solely devoted to the interests of labour finding a seat in the Council. The Federation, therefore, proposes that industrial labour in urban areas should have separate representation by forming special electorates in selected areas consisting of actual labourers, or by recognising registered Trade Unions as electoral colleges for the choice of labour representatives to the Councils.

#### STRENGTH OF THE COUNCIL.

The system of responsible Government in the Presidency advocated by the Federation naturally involves the removal of all those elements which lend strength to whatever party is in office. The system of nomination of officials and of non-officials ought, therefore, to go. The present strength of the Council is 134 in this Presidency and the Federation proposes that the strength should be raised to 200. The lowering of the franchise naturally leads to a larger number of electors being on the rolls and the need for a greater number of candidates representing them and the re-distribution of electoral areas so that they may be more compact, less unwieldy and more manageable. It is impossible to expect a candidate or representative to be in touch with the entire electorate when by the extensiveness of the area and by the vastness of the number of voters he is physically unable to do so. The Federation advocates the division of electoral areas into compact tracts and the increase of the number of elected members to two hundred as suggested above. The proportions between community and community and between interest and interest which have been standardised at present will continue in the new Council.

So far as the strength of the Government in the provinces is concerned, the Federation suggests that there ought to be seven Ministers including the Chief Minister, and that the principle of Joint Responsibility should be recognised in the Cabinet.

#### TERM OF COUNCIL.

A question of some importance which was not appreciated in 1919 when the system was introduced is the question of duration of the Councils. It is generally felt that the present term of three years is altogether inadequate for any constructive policy to be carried out by a Ministry and that the Council should have its life for a period of five years as the House of Commons. The Federation, therefore, suggests that the term of life of the future Councils may be fixed at five years.

#### CENTRAL LEGISLATURE.

The arguments addressed above with reference to Provincial Legislatures apply in a very large measure to the Central Legislature, particularly arguments relating to separate electorates and special electorates and the representation of the Depressed Classes. The term of the Central Legislature has also to be of five years. There is one question relating to inter-provincial representation in the Central Legislature which the Federation would like to emphasise. It is



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perfectly true that when once the Central Legislature is constituted, representatives should begin to think not in terms of provinces, but in terms of the country as a whole. This feeling has to be promoted, whether ultimately the Unitary system of Government or the Federal type is adopted. But that does not imply that unequal representation as between the provinces ought to be permitted in the Central Legislature. According to the present system, we feel that the different Provinces are not given the same amount of representation. The only basis for that representation being population, the Federation suggests that in the future constitution of the Central Legislature this basis should be adopted, and seats allocated to each Province according to the strength of the population in that Province.

## PUBLIC SERVICES.

One of the most important political issues in this Province is the question of proper recruitment to the Public Services of the province. It is freely stated by those who have not understood the part that to this day the Public Services have played in shaping the many activities of the people directly and indirectly that the question of Public Services is a very simple question, that all that is required is the securing of efficiency, and that by the magic test of a competitive examination efficiency can always be secured. Every one of these statements expresses only a half truth. The Federation feels strongly that in framing rules for the recruitment to Public Services under the powers given by the new constitution regard should be had to the fact that the predominance of any particular community should be avoided in any service, Provincial or Central. The Federation is thankful to see that after all this principle has been recognised by His Excellency the Viceroy and by the Central and Provincial Governments. But it desires to be assured that the principle will continue to receive the same recognition in future, and, what is far more important, that besides a theoretical recognition it will be carried out in practice.

## CONCLUSION.

As has been already stated, the Federation has very carefully considered the question of constitutional advance at various Confederations and particularly at a Special Meeting of the Executive Body of the Federation, and has put forward the suggestions with due regard to all aspects of the question and not ignoring the difficulty, or the precautions to be taken, in making an advance. The Federation feels that the country is at the parting of ways, and while there is a strong section determined to do constructive work, believing in the fulfilment of a higher purpose that India and England should work in political union and believing that every legitimate political aspiration of Indians could be satisfied by the continuance of that union, there is another section growing in numbers which is out for ruthless destruction of all that is held dear by those who put their faith in constitutional principles. It is not the line of wisdom merely to preach to the country to pursue a policy of peace, of goodwill and of good understanding, and not to strengthen the hands of those who are pursuing this very policy by adopting their reasonable suggestions. The Federation feels certain that with the larger experience which the Commission has gained of the country during its extensive tour and with the materials gathered by it, it would have arrived at two conclusions—first, that there is a large body of opinion in favour of political advance by constitutional methods; and, secondly, that, unless the faith which that party has placed in constitutional methods of agitation is vindicated in the very near future, the result will be a landslide in the direction of the gathering forces of disaffection and disorder and the weakening of the hands of those who desire to arrest such a process. The Federation is hopeful that such a catastrophe would be avoided and its good wishes go with the Commission for a successful solution of the many problems that face the Commission.

The Federation has nominated Mr. A. Ramaswami Mudaliar, President of the Corporation of Madras, and Mr. A. T. Pannirselvam, President, District Board, Tanjore, to appear as witnesses on behalf of the Federation before the Commission.

## MADRAS.

1st March 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIRABHAI PREMCHAND)  
AND OF THE MADRAS PROVINCIAL COMMITTEE.

## CHAIRMAN :

SIR JOHN SIMON (for part of first deputation only).  
LORD BURNHAM (for remainder of first deputation).  
COLONEL LANE-FOX, (for second deputation).

Deputation from (a) the Ganjam District Peoples' Association  
(b) the South Indian Liberal Federation.

The deputation consisted of :—

- (a) Mr. KOKA APPA RAO NAIDU, Advocate,  
Joint Secretary, Ganjam District Peoples'  
Association.  
Mr. W. V. B. RAMALINGAM PANTULU,  
Vice-President.

Mr. BHUVANESWAR RUTH, Advocate.

- (b) Mr. A. RAMASWAMY MUDALIAR, President,  
Corporation of Madras.  
Mr. A. T. PANIRSELVAM, Barrister-at-Law.



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[Continued.]

1. *The Chairman* : We have a Memorandum from the Ganjam District Peoples' Association, and also a Memorandum on constitutional reforms presented by the South Indian Liberal Federation of Madras. The two run very much on the same lines, and it is a good plan to take them together. We notice that both of them take the broad line that provincial autonomy is desired. When you use that phrase, are you thinking of self-government in the province, as opposed to subjects being reserved to members, or are you thinking of the relation of the province to the Central Government?—(*Mr. Mudaliar*) I am thinking of both.

2. So you propose that the province should be quite separate from the Central Government?—To the extent that subjects are provincialised.

3. Do you think that the provincial authorities should have an exclusive responsibility; exclusive, I mean, of the centre, on all matters connected with keeping order?—Yes.

4. You do not want any assistance from the Army?—No, that is not the meaning. The assistance from the Army would be obtained on application by the province to the Central Government, if necessary; but the determination of whether that assistance was necessary would be the determination of the Provincial Government.

5. The phrase is constantly used in these controversies in two quite distinct senses. Many people use the words, "provincial autonomy" when what they mean is that they want to end Dyarchy, and they want to have a Provincial Government which is wholly responsible to the Provincial Legislature. That I follow, quite, of course; but the other question is the relation of the province, however it is governed, to the centre, however it is governed. Then when one comes to some specific things—I am taking the Ganjam document—on page 303, you deal first of all with local bodies. I am not quite clear what your suggestions or proposals are. Apparently it is this, on page 303: "We consider that there is no need to radically alter the franchise for the present and introduce needless complications now." But the franchise may be extended to half of the present qualification or tax-paying capacity in urban areas. The power of further extension may be given to the local bodies themselves." Is that referring to the franchise in the local bodies?—No, I think that needs correction. That was with reference to the local Council itself. So far as the franchise for local bodies is concerned, that would naturally be adjusted by the local Council.

6. That is rather what occurs to one. It may be that whatever the constitutional changes are likely to be, as far as the Conference is concerned or the Imperial Parliament is concerned, it will not itself attempt to prescribe what should be the franchise in the local bodies?—No.

7. Then I am to read this passage, on page 303, as referring to the franchise for the provincial Council?—Yes.

8. *Sir Hari Singh Gour* : "But the franchise to the local Council may be extended," and so on?—Yes, and certain areas may be cut off. This other Memorandum makes the point clear.

9. *The Chairman* : You mean the Memorandum of the South Indian Liberal Federation?—Yes, at page 310.

10. Quite right. "The Federation feels that reducing the present qualification by half will be sufficient broadening of the electorate." Then the next point is on page 303 of the Ganjam document, where you say, near the bottom of the page: "The existing system of separate electorates is necessary for a time, though this is not the ideal system. This has worked well so far." I gather that that is the view, also, of the South Indian Liberal Federation?—Yes.

11. It is on page 309 of the Liberal Federation's document?—Yes: "The Federation is in favour of continuing the special and separate electorates existing at present, so long as there is no move

"either from the interests which have received special representation or from the communities which enjoy separate electorates that the system be changed."

12. I see you go on to say: "The Federation does not agree that all communal evils existing in the country at present are due either wholly or in a very large measure to the creation of separate electorates." What is it to which you do attribute for the most part the communal evils of which you speak?—Mainly it is due to the desire of either community to gain a place in the administration—to gain political power.

13. I dare say you are right. You think it really is a competition for power?—Yes.

14. And perhaps preparation for the future?—Yes; and that competition will be there whether there are separate electorates or not.

15. I do not want to argue it; but if you say it is not due to one thing it naturally occurs to one to ask whether it is due to the other. Do you consider that this communal tension is materially affected by the desire to secure appointments for members of a particular community?—I would rather put it slightly differently. It is due to the apprehension that members of other communities may gain an undue advantage.

16. Anyhow, apparently the view is that though it is not an ideal system, you think separate electorates are necessary for a time?—Yes.

17. Have you anything to tell the Conference as to how you think that time will come to an end? I do not ask you to fix a date; that is a thing nobody can do; but you speak of it being necessary for a time, which means that you do not regard it as necessary for always. Well, what is the change that is going to make it unnecessary?—Supposing full responsible government is given in the provinces, both the communities have to work together in a joint cabinet where members of each community must find a place, and that would certainly pave the way for a better understanding between the two communities through the leaders of the two communities working together.

18. I quite appreciate that you have not got it extending over every department, but you have at present a minister of one community and a minister of another community working together?—That is true; but at the present time the responsibility is not entire, and the ministers are appointed more because members of each community have to find a place than because they have a joint responsibility as between themselves.

19. Then, what you contemplate, apparently, in the future, is that the provincial cabinet should contain ministers drawn from the different communities?—It must necessarily contain members drawn from different communities, but acting as a joint whole with undivided responsibility as between themselves.

20. But when you say they must necessarily be drawn from different communities, you are not proposing to provide that in the constitution?—No, I take it that the natural course of things will be that.

21. Would it, do you think?—I think so.

22. Then I think you are also disposed to recommend that the present special representation, for instance, of landholders, and so on, should continue?—Yes.

23. We have had this point up before. Why do you think that the special representation of landholders should continue?—In the first place, they have certain rights which have accrued to them through the process of time, and it is only fair that they should be given every opportunity to express their viewpoint, and it is not unlikely that if that special representation is not given to them they may not have a proper share in a wide, democratic electorate; and in framing the scheme of reforms every interest has to be protected as far as possible. The whole success of the future depends upon

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[Continued.]

removing apprehensions as far as possible, without in any way diminishing the vital principles of the scheme itself.

24. I would like to ask your view on the subject of retention of university representation?—I am not in favour of it as it obtains at present. I am for university representation, certainly, and that is representation by the senate of the Universities, for two reasons. Even in England, before the Parliament Act of 1918, it was the senate that was given representation in Parliament, and it was only in 1918 that the graduates of the University were given representation; and more particularly in this country, the graduates have no direct connection with the University, and there is not that feeling of corporate interest among the graduates who leave the University. If the representation of Universities in the Council is to mean anything, the proper thing is to give to each of these Universities a direct share in that representation through that corporate body which manages the administration of the University, that is, the senate of each University. I am entirely in favour of giving one seat to each of the senates of the Universities that have been formed in this Presidency, or in any Presidency.

25. One seat to each?—To each of the Universities in the province.

26. You mean that you want three University members?—Yes.

27. How long has the third of these Universities existed?—It has just come into existence, but I do not know when the next scheme of reforms will come into existence.

28. We none of us know that?—Probably it will be two or three years old by that time.

29. Perhaps there will be two or three more Universities?—Well, it can be stated that any University of five years' standing should get representation automatically.

30. However, you are not, apparently, disposed to support the present method of University representation?—No, I am not.

31. Do you consider that the present method of University representation secures as University members—I am not speaking of any individual, of course—persons of particular gravity and sobriety of thought and expression?—Well, it is very difficult to say that, especially of one's own colleagues in the Council, but I think from the University point of view it would be far more satisfactory that the senate should have representation. As it happens, the Corporation of Madras has a seat given to it from the University, and the member of the Corporation of Madras is elected by the senate.

32. You regard that as the proper method of election?—I think so.

33. Now, let us turn to the Depressed Classes. Here you make a very interesting suggestion. You suggest that special Depressed Class organisations should be formed, and they would prepare a list—I think you call it a schedule—of suitable persons to be nominated, or from whom the nominations should be made?—Yes.

34. That is an interesting suggestion. Then you say that in some areas it might be possible to form an electorate of the Depressed Classes?—Yes.

35. You think they are sufficiently numerous and living sufficiently together?—In a compact area, yes.

36. Will that be so in Madras city?—Yes.

37. There is an interesting feature on page 304 of the Ganjam document. Your proposal there is that officials should continue to be nominated as members of the Provincial Legislature?—That has been corrected since.

38. I know nothing of any corrections. Do you mean that some corrections have been sent to the Secretariat?—I am not sure.\*

43. On page 305, I see you say: "There should be no transferred and reserved subjects." You mean, I suppose, that there should be no division between the two. Then in the next sentence you say: "The power of veto may remain in certain cases relating to Law and Order." I may be wrong, but I do not think there is anything in your document which explains that. What do mean by that?—We are referring to the emergency powers, which His Excellency the Governor may exercise in certain special cases by way of certification.

44. What are they?—If a grant which the Governor considers absolutely necessary for the proper administration of the subject is denied by the Council.

45. You propose to retain that power?—To retain the power of certification so far as Law and Order is concerned.

46. "Law and Order" is a phrase which is very frequently used, but it is not very clear to me. What does it mean? Police?—Really, it means the Police.

47. Does it mean anything else? Does it mean subordinate magistracy or jails?—It means jails, the magistracy, and even civil justice.

48. Then it means much more than the Police. We have now the Police, jails, the subordinate magistracy and civil justice?—But the power of certification or veto has special reference only to the Police.

49. Now I understand what you mean by certification; it apparently has to do with the grant of money. But what is veto?—The power of veto can be only with reference to legislation.

50. That is what occurs to one. For purposes of a grant or for purposes of legislation there should be a power of certification or veto, but of course, as you will appreciate, the real anxiety about such a subject as the Police largely turns on questions of administration, and the possibility of what some people call a breakdown. A breakdown is not legislation?—A breakdown may be caused by withholding grants for necessary expenditure.

51. It might be, but it is not necessarily so caused. Is there anything more you want to tell us about this statement that the power of veto should remain in certain cases relating to Law and Order?—No.

52. The Liberal Federation document deals with the subject on page 308, but naturally uses slightly different language. In the second paragraph, on page 308, they say: "The Federation feels, therefore, that, as far as it is humanly possible to foresee the trend of events, there is no reason to fear that, either with reference to the administration of Law and Order or with reference to any other subject, chaos or want of sound policy will characterise the working of Government if these subjects are transferred to the control of the Legislature." I want to know about the next sentence: "At the same time, the Federation realises that the constitution must make provision for all eventualities, however unlikely, and for emergencies, however rare. The question of providing for safeguards when Provincial Autonomy is guaranteed is, therefore, a question which the Federation must squarely face." And then: "After giving the subject its most anxious consideration, the Federation has come to the conclusion that the only safeguard it can think of is the vesting of extraordinary powers in the Governor of the Province to intervene on occasions of emergency," and you say you hope the occasions will be rare. Will you tell me, then, as far as the Federation is concerned, what is the nature of, and how you propose to define, the emergencies in which the Governor may intervene?—If there is communal trouble or rioting in any district, and it so happens the minister is unable to carry the Council with him in regard to the necessity of having special Police to quell the riots.

\* See also Q. 118-122 on page 316 below.

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53. What is to happen then?—The Governor will have to intervene.

54. You will agree, "to intervene" is rather a general phrase. Imagine you are the Governor. What is it you would do?—He will order, through his ministers, the necessary Police to be dispatched to the place to prevent the riot.

*Sir Hari Singh Gour*: But the despatch of Police is done without consulting the local Council; 'it is an administrative act.

55. *The Chairman*: That is what I mean. I am not in the least seeking to criticise; I am only trying to follow what it is that you propose. It seems to me, as it seems to my learned friend, *Sir Hari Singh Gour*, that if that is what you have in mind it is not a question of over-ruling the local Council, but of removing the discretion from the minister?—May I give an instance of what is meant? We had riots in Malabar, and it was felt necessary, after the riots were put down, that special Police should be mobilised for the district. The grant for these special Police came before the local Council, and if the grant had been cut down or reduced or thrown out by the local Council it would not be open to the minister to do anything, as it would be a transferred subject. If it is transferred it will be the Governor who will have to intervene and restore the grant, so that special Police may be stationed in such a district.

56. Are not you proposing to keep the Governor in reserve in case anything goes wrong, and are not you going to put him in a position which it is rather difficult to ask anyone to fill?—It is difficult.

*Sir Hari Singh Gour*: The ultimate control of policy would then rest with the Governor in any case.

57. *The Chairman*: I agree. If other people are going to drive a motor-car downhill, it is a little difficult to say that however unlikely it is we must provide for the eventuality of the car running away, and that in that case the Governor has to begin to drive?—If I might respectfully say so, it seems very much like arguing round a circle. If I do not give such power to the Governor you may well turn round and ask what are you to do to prevent the car running downhill?

58. I quite recognise you are dealing with what you think is an unlikely event, but I am interested in the constitutional scheme. However, I quite see the difficulty. The Federation realises that it must provide for this eventuality and must provide for emergencies, and it thinks the best thing to do would be to transfer all the powers to ministers and to the Council and then provide that if things go seriously wrong the Governor of the province shall intervene?—It is an anomalous position, but it is meant to meet an anomalous situation.

59. What is the anomaly?—That having given Provincial Autonomy and responsible government the Governor should intervene on these occasions against the advice of the ministers or in contravention of their advice, or in any case against the advice of the local Council.

60. I gather that your Federation is taking a very responsible view; you think, however anomalous, such provision must be made?—Yes.

61. I notice that on page 305 of the Ganjam document you propose a Second Chamber?—That proposal is not consistent with the proposals of the Federation.

62. I am not seeking to play one off against the other, but that is so, is not it? It is proposed that there should be a Second Chamber. Just below that I see you say: When the Provincial Councils "are enlarged and when full responsible government "is conceded to the provinces at once, a Second "Chamber is necessary." Why do you think a Second Chamber is necessary when full responsible government is conceded to the provinces?—For the usual reason that a Lower House based on an absolutely democratic franchise is considered in all

countries to run a little wild on occasions, or there is the possibility that it may run wild, and a check is necessary by a more sober body.

63. On page 305 you deal with the Central Government, and just above the passage which is headed "Central Government" you say: "In the "division of functions there are subjects allotted "to the Provincial Government over which the "superintendence of the Central Government is "inevitable." I do not know if you have thought out what those subjects are? I am rather disposed to agree with you, but I wondered what subjects you thought fell within that category?—My friend, the Secretary of the Ganjam Association may explain it.

64. Perhaps it may occur to somebody later on; at present I do not quite follow it. A little lower down on page 305 you suggest, apparently, that the Governor-General himself, as an individual, is to be responsible for the defence of India. Is that right?—Ultimately the responsibility will be his.

65. I was referring to the passage on page 305. You say: "We must take a plunge "forward and have faith in the future and in the "political capacity and self-reliance of Indians and "introduce responsibility in the Central Govern- "ment," and a little lower down, "In the Govern- "ment of India, the Governor-General shall be "responsible for the following subjects: (1) Defence "of India, (2) International relations, (3) Relations "with Indian States," etc.?—I conclude it means the Governor-General with the help of councillors who are not responsible to the Assembly.

66. Is that proposing dyarchy at the centre?—In this Memorandum.

67. Do you think dyarchy has succeeded in the provinces?—No. Personally my opinion is that it has not.

68. But you are proposing it for the centre?—In this Memorandum.

69. On page 306 you refer to the Services, and you say: "The existing Services must be guaranteed "all their privileges and rights, and the recom- "mendations of the Lee Commission were generally "accepted by us." Will you explain that to me? You are proposing, as I follow it, that there should cease to be any reserved subjects in the provinces, and therefore, of course, all departments would be under Ministers?—Yes.

70. Will not the future recruitment be recruitment by the province?—The future recruitment will be recruitment by the province, but the existing incumbents must be guaranteed all their rights.

71. I quite understand that people with a vested right will be given either the opportunity to retire or protection, but that is not what I am talking about; that is not what the Lee Commission proposed. The Lee Commission proposed that there should continue to be recruitment for the All-India Services?—The reference to the Lee Commission proposals has regard to the privileges and rights of existing incumbents in the Services.

72. Is that all?—Yes.

73. When you say "the recommendations of the "Lee Commission were generally accepted by us" you are not referring to the proportions of recruitment in the future at all?—No, but to the emoluments that were recommended by the Lee Commission.

74. *Sir Hari Singh Gour*: And not even that, if your statement is correct that all you mean is they were accepted as regards the existing servants?—Services.

*Sir Hari Singh Gour*: No, servants; not Services.

75. *The Chairman*: I think that is what he means. He means that whatever changes this document proposes, it does not propose to disregard the rights of individuals already in the Services?—Yes.

*The Chairman*: That is hardly what one would

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describe as the recommendations of the Lee Commission.

76. *Major Attlee* : I should like to clear up one or two points about representation. On page 305 of the Ganjam Memorandum you say the number of representatives may be based on the population of the area ; that is your general principle for provincial councils ?—Yes.

77. On page 305 you say : " The Assembly may be "reconstituted in a manner that one member may "represent one district area in British India." Do you mean one representative for each district without considering the population of the district ?—So far as the Assembly is concerned.

78. You take your district, then, definitely as the unit ?—As the unit.

79. You do not think there would be any objection owing to the fact that, let us say, Mymensingh has 4,500,000 population, while another has only 123,000 ?—It is possible that some of the district may get more than one member. I mean at least one member for each district.

80. Do you realise what sort of a sized House that would give you ?—Yes.

81. How many do you think you would have ?—About 250 members.

82. Oh, no ; if you are going to give at least one to each district, you will have to take your smallest district, will you not ? There are districts with only about 120,000 ; that means for every 120,000 of the people you must have one member ; that means a House of rather over 2,000. I was wondering whether you were getting over that difficulty—whether you thought districts should stand by themselves ?—Both these principles cannot be worked out ; both the district and the population basis. If you take the population basis, then each district may sometimes have six or eight members, if you take the smallest district as the unit of representation. That is not the idea of this Memorandum. The idea is to make the maximum district the area of representation. Now we have two or three districts as the area for a single constituency.

83. I wanted to follow on from that. You do not intend to go on the population, but you are taking the district as the particular area ?—At the same time, districts cannot be treated alike, whatever their size or population may be.

84. What principle will you adopt for giving more ?—Take an average district, not the least or the most populous.

85. I do not think there is really an average, because they vary from province to province. If you are going to take a district area there is nothing to stop Madras cutting up its districts in order to get a larger representation ?—That is possible.

86. You have not thought, by any chance, of forming the Central Government by representatives from the provinces as provinces ?—From the provincial legislative councils ?

87. Yes.—A certain proportion of the central legislature may be constituted like that.

88. Do you think you could combine the two ?—It would be advisable to constitute a certain proportion of the legislature by indirect representation from the provincial legislative councils, leaving the other proportion for direct election from the general constituencies.

89. But the more you do by indirect election it is obvious that your constituencies for direct election will be even larger than they are at the present time ?—I expect that the Legislative Assembly will be very much increased in numbers.

90. But there is a limit. We are fairly near the limit at Home, with 600.—I do not suggest an exact half-and-half division, but a certain proportion from the Provincial Councils, and the rest from direct election.

91. *Colonel Lane-Fox* : There is a rather interesting suggestion on page 309 of the South Indian Liberal Federation's Memorandum, dealing with the

representation of communities. You suggest that the position should be left in *status quo* "till there is "a determination on the part of both the communities to adjust their mutual rights and "obligations to the satisfaction of each other." How do you suggest that that should come about ?—It will be brought about by a pact similar to the Lucknow pact, arrived at by the leaders of both communities.

(*Lord Burnham* here took the chair.)

92. Then you would leave that to the Governor ; he must be satisfied that both communities were actually taking their part, and if he was satisfied you would give him the power to bring in legislation ?—The Governor-General must be satisfied that a real pact has been arrived at between the two communities, provided it is fairly unanimous. Absolute unanimity is not to be expected.

93. Are you speaking for the Madras Presidency only, or for the whole of India ?—For the whole of India.

94. The Governor-General in Council, I suppose, would have to deal with it ?—Yes.

95. In the same way as the Lucknow pact was recognised ?—Yes.

96. *Raja Nawab Ali Khan* : On page 309, under the heading "Hindu-Moslem Question," you say : "It should also be remembered that the system is "the result of a definite compact or compromise "between the two high contracting parties, the "Moslems on the one hand and the Hindus on the "other, arrived at at Lucknow and ratified by the Imperial Parliament itself." Then comes the next sentence, which I do not understand : "It has been "put forward and very rightly by Moslem delegations that this pact should not be re-opened "without the complete concurrence of both the "contracting parties." I think you are not very accurate when you say that all the Moslems in all the provinces want to elect the proportion of representations allowed to them by the Lucknow Pact because you might remember that the delegations in the Punjab and Bengal want representation on a population basis ?—My next sentence would make the position clear : "and that separate electorates "should not go unless the Moslems are willing parties to general electorates."

97. We are not talking about separate electorates. The defect in the Lucknow Pact is that it keeps the Moslems in a minority in all provinces ?—Yes.

98. And this is what the Bengal Moslems want ; they want proportional representation on a population basis ?—But what I was referring to was this. So far as separate electorates go, apart from the question of the numbers of the two communities, the Moslems, even in the Punjab and Bengal, have put forward the claim that separate electorates should not be abolished. There are two points under the Lucknow Pact. The first is the question of separate election, and the second is the question of the number of representatives of the two communities. So far as the first point is concerned, even those Moslems who want variation of numbers say that this was arrived at by a pact, and it cannot be shifted without the consent of the community affected. Now, so far as the numbers are concerned their argument is that they should be varied, and I say, as it would be unfair to abolish the Lucknow Pact without the consent of the Moslems, so it would be unfair to alter the numbers without the consent of the Hindus. The two things stand together.

99. *Sir Hari Singh Gour* : You have spoken about the Governor's power of veto. I am not quite clear about the position you wish to assign to the Governor. Do you wish to give the ultimate control in the determination of policy and of day-to-day administration to the Governor because an emergency may arise not only as regards policy, but also as regards day-to-day administration ? Then you place a very heavy burden upon the Governor, do you not ?

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—I do not contemplate the Governor dealing with any question of policy at all, or altering the policy of the Ministers. That must stand on the decision of the council. What I propose is an extraordinary case, where the safety of the province is endangered. It was then that I thought the Governor ought to intervene.

100. You say that the Governor should have the power in case of emergency. Who should be the judge of emergencies?—The Governor.

101. Therefore the ultimate control rests with the Governor?—Yes, in case of emergency.

102. Of which he is the sole judge?—Yes.

103. Therefore you keep the autocratic power of the Governor absolutely intact, and reduce your local council to the position of a mere advisory body?—That depends on what you mean by a responsible Governor, with responsible ideas.

104. I may have a very sharp sword, but I may not use it; still, I have got it if I want to use it. Therefore the ultimate power is with the Governor. He may be a very good man, and he may not use it; but so far as his power is concerned you perpetuate autocracy, and so far as the local council is concerned, you give it only a semblance of autonomy?—I do not look upon my suggestion in that light at all. I take an ordinary Governor, and he is not an autocrat.

105. I want you to explain why you do not agree with me, because that seems to me inevitable?—If I might put a similar example, it is always open for His Majesty the King-Emperor to veto every piece of legislation that passes the House of Commons and the House of Lords; and you will turn round and say that all legislation by the Parliament is impossible.

106. Again, you forget altogether the main point. His Majesty the King has not got that reserved power of taking over the government of England in case of emergency.—I was referring to the power of vetoing legislation.

107. We are not talking about the same thing. I am talking of the power of taking over, not of the question of legislation. You said the Governor shall have complete power in case of emergency. I want to see, *vis-à-vis* the minister, who is supreme, the Governor or the Minister. You place the Governor on the one side with the ministers and the legislative council on the other side in a position of extreme delicacy, which might create a deadlock, and a very serious deadlock?—The Governor would be responsible for the deadlock if it was due to his fault.

108. Who is to be the judge of it—the Governor?—At the time, and subsequently, events.

109. As regards the second chamber, you say that when there is a full provincial autonomy there should be a second chamber, because it will provide a sobering element?—That is not in the South Indian Memorandum.

110. Are you giving it up?—I do not refer to second chamber in the Memorandum.

111. *Sir Hari Singh Gour*: In one Memorandum there is a second chamber referred to. Are you now abandoning the position as regards the formation of a second chamber?

*Sir A. P. Patro*: No, what they mean is this. When the provincial councils are enlarged, and on a wider basis, and when full responsible government is conceded to the province, a second chamber is necessary. That is only when you have got a wider franchise and councils strengthened. Then a revising chamber would be necessary.

112. *Sir Hari Singh Gour*: No. Here again, if you will pardon me, the provincial councils are going to be enlarged already under your scheme. You want a larger number of members in the provincial councils, and when full responsible government is conceded, you want a second chamber?—Yes.

113. Therefore these two contingencies that you contemplate are in the immediate future?—Yes.

114. Therefore the second chamber immediately follows. You are at liberty, of course, to say that on reconsideration you do not want a second chamber?—May I explain the position? The Liberal Federation, which I at present represent, does not want a second chamber, and has not asked for it. It is because we have not asked for a second chamber in this Memorandum that I have suggested emergency powers in the Governor.

115. So I take it that there is a conflict of view between the two deputations?—I would not call it a conflict. There are two ways of having safeguards. One is content to leave emergency powers to His Excellency the Governor, and the other wants a second chamber; but both realise that there must be a safeguard.

116. But you cannot reconcile the two views, for this reason. A second chamber is not only a chamber in which are reposed the emergency powers; it is a second chamber which has co-ordinate rights and powers and privileges with the originating or first chamber?—Except on financial matters.

117. Even with that. We have got the Council of State that deals with the Finance Bills equally with the Legislative Assembly; so that to that extent the second chamber is even a revising chamber, though somewhat indirectly, in matters of finance. Consequently, when one deputation asks for emergency powers reposing in the Governor, and the other for emergency powers to be transferred to the second chamber, those are not merely differences of detail, they are differences of vital principle. Then do I take it that the two deputations differ on that point?—Yes.

118. As regards local councils, in answer to the Chairman, page 304, you said that statement requires to be corrected or modified: "Nomination of officials" and non-officials may be continued but their votes "may not be taken into consideration, especially "those of officials." Will you kindly state to the Conference in what respect that should be modified?—The whole of that has to be revised. Naturally their votes will not be taken into consideration.

119. Then you want to cancel the whole of that paragraph?—Yes; there will be no nomination at all.

120. You are against the nomination of officials?—Or of non-officials.

121. You are against the nomination of both officials and non-officials?—Exactly.

122. I suppose you would naturally allow the nomination of experts, supposing some great irrigation scheme or university legislation is undertaken?—On special measures there should be power to nominate; not ordinarily.

123. Then as regards the central government, you are for the creation of dyarchy, which you have condemned in the local governments in the provinces. Is not that so?—There again I would refer you to the South Indian Liberal Federation Memorandum. At page 308 it is dealt with.

124. I have it before me. You begin from page 308?—Yes.

125. And then you go into the question of the central government. There you do not say as to whether your central government would have certain powers. You want to introduce responsibility into the central government by transferring all subjects?—Except the few that I have mentioned.

126. It is only with reference to those few that I wish to have your attention. I want to see whether you are in agreement with the Ganjam Memorandum or against it. What you mean is that so far as those specific subjects are concerned no discussion of any kind should be permitted in the central legislature. On page 308 of the Liberal Federation document you say: "No resolution will be permitted with reference "to these subjects. No budget grants will be moved "for finding money for the administration of these "subjects." In other words, you will not even permit a discussion?—No.

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127. You are therefore taking away powers which the Legislative Assembly virtually possesses at present?—I recognise that.

128. And which the old Imperial Legislative Council used to exercise?—I recognise that; I say so.

129. You want to take away those powers?—Yes.

130. You go on to say that while you would take away the power of the popular House, you want to transfer that power to the Council of State and the Chamber of Princes?—Yes.

131. Therefore the position is this: the general taxpayer pays the money, and the policy may be modified by discussion in the Chamber of Princes, who do not pay anything at all for it, or by the Council of State, which is not financially responsible under your scheme. Two irresponsible bodies discuss a scheme, while the third and responsible body has to find the money?—You do not expect me to agree with that!

132. I am describing what you say on page 309?—I do not regard the Council of State, even as at present constituted, as an irresponsible body; much less the future Council of State.

133. It is irresponsible in this sense, that it has no power to levy taxes and therefore it does not find the money. I am not dealing with its responsibility in any other sense. In regard to these subjects, the Assembly finds the money?—Not even the Assembly, according to my scheme. They find the money, of course, in the sense that the taxes are levied by them.

134. The Assembly finds the money, and the Council of State and the Chamber of Princes dictate the policy. The Assembly pays the piper and the Council of State calls the tune?—Yes, and for the transitional period that is necessary. Now neither of them call the tune. This is an improvement on the present situation.

135. Do you think the country at large would accept a scheme of this kind?—I want to improve the present conditions, and I think my scheme is an improvement on present conditions.

136. You call that an improvement? All right. Then on page 309 you fix a time-table. You say: "The Federation suggests that a Commission should be immediately appointed to fix the amount that is required for these services and that this amount may be treated as the maximum amount which can be utilised without the sanction of any authority for the administrative departments, subject, of course, to the control of public audit and other departmental controls for a definite period of time, say ten or fifteen years. Over and above this, His Excellency the Viceroy will be given the powers to allot, in cases of emergency, such amount as may be required in excess of the maximum fixed by the commission." So that if the Viceroy wishes to paralyse the Assembly, he may grant such a large amount that there may be a very heavy deficit?—I do not foresee the existence of perverse Viceroys.

137. It is not a question of that. I will give you an example. The Assembly may think a certain course of action unnecessary and not dictated by sound financial reasons; the Viceroy may think otherwise. You want popular control to control the Viceroy and the Governors; otherwise, if that is not necessary, you do not need an Assembly or any councils?—I think self-government is better than good government.

138. Is this a case of self-government or good government?—It is a case of self-government.

139. No, this is a case of good government super-seding self-government?—The only point of view I had was whether it was practicable now in India to ask for control of the Army and Navy, and if anybody suggests it is practical all I can say is that there is a difference of opinion on the subject. I want to approach the subject from a practical point of view. This is a transitional stage, as I have pointed out.

140. When this scheme goes before the public, the public will criticise it?—Naturally.

141. Is it not better that you and I should see the criticisms to which it will be subjected here, rather than that the wider public should decide?—That is true, but it seems to me there is only one scheme which will not be criticised by the public, and that is one which gives complete self-government, full swaraj, to-morrow; and I am not in favour of that.

142. No more am I. The next point is this. You said in answer to the Chairman that at the present moment communalism is a race for power?—Yes.

143. Do you think the perpetuation of communal electorates will strengthen the national bond, the feeling of common citizenship?—I would say that their continuation, not perpetuation, will strengthen the national body.

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147. *Sir Zulfiqar Ali Khan*: You say on page 309 of the Liberal Federation Memorandum that the Lucknow Pact was "ratified by the Imperial Parliament itself"?—Yes.

148. When was that?—When the Government of India Act was passed, and later by the proposals of the Franchise Committee, whose recommendations were accepted by the Secretary of State and by the Imperial Parliament. The rules were placed on the table of the House of Commons, and there was no dissent expressed, and according to the provisions of the Government of India Act that means acceptance by the House of Commons. There are two processes by which rules can be made under the Government of India Act and accepted by Parliament; one is a positive process, by which they must be specifically passed by Parliament, and the other a negative process, by which papers are laid on the table and regarded as agreed to if dissent is not expressed. These regulations became operative as statutory rules after being accepted in the negative manner.

149. But does the Government of India Act, 1919, say that this pact is ratified?—No. The Government of India Act said rules for the qualification of electors might be made under such and such sections, and the rules were made by the Franchise Committee.

*Sir Hari Singh Gour*: That was mentioned in the Montagu-Chelmsford report.

150. *Sir Zulfiqar Ali Khan*: Did both Houses of Parliament solemnly ratify that pact?—They ratified the report of the Franchise Committee, which incorporated the Lucknow Pact, and therefore they ratified the pact.

151. That is your own opinion?—It is a question of fact.

152. I wonder whether it is a question of fact. Do you know that the Punjab never accepted that pact?—I do not know what evidence they tendered before the Franchise Committee, but as far as I know it is only within the last four or five years that the Punjab has questioned it—since 1923.

153. No, the Punjab never accepted it, because in the Punjab we have a majority, and we cannot be reduced to a minority, so the Punjab cannot be expected to accept that pact?—My impression is that in the years 1917 to 1920 the Punjab did not question it.

154. My recollection is the other way?—You ought to know better than I do.

155. *Dr. Suhrawardy*: You say the pact was ratified by the Imperial Parliament?—Yes.

156. Are you quite sure the Imperial Parliament gave the Punjab Moslems the representation recommended under the Lucknow Pact?—That is my understanding of the subject.

*Dr. Suhrawardy*: You can take it from me it is not so.

157. *Sir A. P. Patro*: *Sir Hari Singh Gour* argued with you that emergency powers are inconsistent with responsible government and the Governor becomes an autocrat if he is given such

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powers. Do you remember the alternative suggested in the All-Parties report is that the power should be vested in the Government of India?—Yes.

158. That in case of emergency the Government of India should intervene?—Yes.

159. It is suggested that either there should be the interference of the Government of India in case of emergency or, if the veto is taken away and no such power given, there should be a revising chamber?—Yes.

160. Which of these three alternatives do you prefer? Do you want the power to be vested in the Government of India, or the power to be with the Governor, or a revising chamber?—I am distinctly against the power being vested in the Government of India, for the reason that it is out of touch with the provincial Governments and it will really mean the exercise of that power on the advice of the Governor of the province, so you might as well make the Governor of the province directly responsible. That is why we have suggested the Governor should have these powers. As for a revising chamber, it seems to me either that or the giving of powers to the Governor would be suitable for the purpose.

161. Do you not think that if the Governor differed from his ministers, then he could dissolve the council and ask the executive council to carry out the administration?—I do not contemplate that any Governor who had respect for the constitution would do that; but it is possible that the second council will be of the same opinion as the first, and the Governor might still think that his responsibility was so great that an emergency had arisen when his special powers had to be utilised.

162. Do you not think in cases where a provincial Government broke down on account of a conflict between the executive and the legislature, it should be an outside power which should intervene in order to take over the administration?—No, it is not a question of resuming administration really; it is a question of having a specific act done or not done under particular circumstances.

163. I am putting the case of the breaking down of the administration?—By a refusal of any recognised party to work the administration?

164. Yes.—That will really mean that the whole thing will have to be resumed, as it is being done now.

165. In regard to representation on the Assembly when full responsible government prevails in the provinces do not you expect that there should be some relation between the provincial councils and the central Assembly, and therefore representation from the local councils will become necessary in the Assembly?—I cannot say that it becomes necessary, but I am not against a certain proportion of the Assembly being elected by the provincial legislative councils.

166. Under the proportion to be elected by direct election?—Yes.

167. In the Lee Commission recommendations you find that in all the transferred departments they recommended provincialisation of the services?—Yes.

168. So ultimately, when there is full responsible government, according to the recommendations of the Lee Commission all of the services should be provincialised?—Yes.

169. Both the Memoranda ask for responsibility to be introduced in the central legislature?—Yes.

170. Do you think that public opinion in southern India would be satisfied if no responsibility was introduced in the central legislature?—I think no section of the public would be satisfied if the central legislature had no element of responsibility.

171. That is, no section would be satisfied if no element of responsibility was introduced into the central legislature?—Yes.

172. In answer to Sir Hari Singh Gour you stated that with regard to the financial element—or rather, I think Sir Hari Singh Gour said—one has to find the money and the other has to play the tune. Instead

of that, for all these subjects that ought to be administered by the Governor-General in Council, do not you think that if the Commission is appointed to find out the average expenditure on those subjects, if the Commission fixes a certain average of expenditure annually, that may be non-voted?—Yes, that is my idea; it will be treated as non-voted.

173. Will you please explain that?—So far as the subjects for which I have suggested transfer to the control of the ministers in the central government are concerned, they will pay the piper and they will also call an excellent tune, which they are not at present in a position to call for; so that is a distinct advantage over the present circumstances. With reference to the army and allied subjects, I have suggested that a Commission should allocate the amount that should be necessary for the next ten years by taking into consideration what has been spent in the past, and getting expert advice on the subject. That amount will be deducted from the budget of the central legislature, and to that extent the legislature will have no power.

174. At the same time, you admit that there may be resolutions and discussions of policy concerning those subjects?—According to the scheme I have suggested, there will be resolutions and discussions in the Council of State on that.

175. So that under your scheme discussion of those matters is not precluded in the Legislative Assembly?—It is precluded in the Legislative Assembly, because I do not want to introduce dyarchy in the Legislative Assembly. I want to have certain subjects to be entirely under the control of the Indian Legislative Assembly.

176. *Raja Nawab Ali Khan*: I cannot follow that. You say you keep special subjects, and you do away with dyarchy?—Yes. Those who are in charge of the army and navy will not be before the legislature at all.

177. If you said that these reserved subjects should not be touched anyhow, then I could understand the position?—I see what you mean.

178. *Sir A. P. Patro*: Please turn to page 306 of the Ganjam Memorandum, "We have also" referred to the gradual building up of responsible government in India.—I have it.

179. You go on to say: "We propose that a scheme of Government may be framed which will automatically carry forward to the goal, provided the progress is not retarded by causes for which the scheme is no longer responsible." What you mean is you want a scheme to be prepared which would automatically lead to full responsible government?—Yes; what we have suggested is that we should have full responsible government at the very next stage.

180. *Diwan Bahadur Reddiyar*: Your proposal is that the Governor should be vested with certain extraordinary powers so that he may intervene on occasions of emergency?—Yes.

181. Has the Governor got similar powers of intervention even under the present Government of India Act?—He has.

182. Under Section 72D of the Government of India Act the Governor has got the power, in case of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety and tranquillity of the province or for the carrying on of the department. And similarly he has the power to adopt, suspend or reject any measure when he thinks it necessary in the best interests of the province?—Yes.

183. Powers similar to these must be vested in the government?—Yes, analogous powers.

184. So there is nothing new or novel in the suggestion?—I do not claim any novelty for it.

*Sir Hari Singh Gour*: The novelty is the introduction of responsible government.

185. *Diwan Bahadur Reddiyar*: With regard to the Ganjam District People's Association, on page 303 you say: "The franchise may be extended to half

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"of the present qualification or tax-paying capacity" in urban areas." I understood you to say that must be corrected?—Yes; it should be both for rural and for urban areas.

186. So you would recommend that there should be no distinction with regard to the franchise between urban and rural areas?—The existing distinction will continue. In each case it will be half the existing limit.

187. *Mr. Thomas* : You just now said, in answer to my friend's questions, that the powers which are now conferred on the Governor under Section 72 of the Government of India Act should be continued?—Yes.

188. I take it that you confine those powers only to Law and Order?—Yes.

189. Under the present Act he has power to carry on any department?—Yes.

190. In connection with the carrying on of peace and tranquillity?—If peace and tranquillity impinge on any department, naturally he must have the power to take over; but that is not the primary object. It might concern any department at any time.

191. So that you would have the powers in those general terms?—Yes.

192. With reference to the autonomy of the provincial government, you know that, under the present Government of India Act, for legislation on certain matters the previous sanction of the Governor must be obtained; on certain other matters the power of veto is conferred on the Governor-General?—Yes.

193. Would you continue those powers?—I would certainly have the veto continued up to the King-Emperor, but the previous sanction I would remove where autonomy is concerned.

194. Supposing a question arises as to whether a subject which forms the subject-matter of legislation before the legislative council is a matter which falls within the provincial subjects or within the central subjects, what authority would be fixed for determining such disputed points?—The Governor-General or the Secretary of State. He would be the authority to determine.

195. I take it that with reference to all moneys granted for provincial subjects there would no power of interference according to your view?—Yes.

196. You would not consider that in certain circumstances it might be an advantage to have the disinterested view of a distant authority?—In practice it happens to-day. In practice it really depends on the view which is adopted on the recommendation of the man on the spot. It is not going to be as disinterested as in theory it may appear.

197. But is it not possible that in certain cases an occasion might arise where a disinterested view of a distant authority might be more advantageous to the public interests, rather than the biased view of a local authority?—That is a possibility.

198. Do you not think it would be advantageous to have a power over the Governor on certain matters?—I think that would be fettering the responsible government far too much.

199. With reference to the question of the minority communities, you are in favour of the continuance of separate electorates?—As at present, yes.

200. You said so far as the Moslems are concerned the number has been fixed by the Lucknow Pact, and therefore there can be no variation of that pact without the consent of the Hindu community?—Yes.

201. I take it that the Indian Christians are not parties to that pact?—No, there is no question of the Indian Christians in it.

202. You know that the number reserved for Indian Christians in provincial councils is five?—Yes.

203. You know there are two great Christian communities, the Catholics and the Protestants?—Yes.

204. And in the first council and the second council a Catholic and a Protestant respectively were nominated, to make up equality as between Catholics and Protestants?—Yes.

205. And usually the depressed class representative who has been nominated has been a Christian?—Yes, but that was done as a depressed class member, not as a Christian.

206. But it happened?—That is an accident.

207. It has happened in the last three years. Very well. You know that in the present conditions there are a certain number of official representatives who may perhaps hold the scales even in conflicts between communities?—I do not know that, because officials always vote to order.

208. Under the Government's instructions, you mean?—Yes.

209. But you may also take it that the minority communities may look upon the Government as trying to hold the scales even?—Quite so; and I hope they will continue to look upon the Government in a similar way, though they may be ministers.

210. May I suggest this to you. Supposing there is a representation of five or six Christians, and supposing the number of seats were doubled, may I take it that when the large minority is a large proportion, the small minority has to be increased in more than the regular proportion in order to keep their former position intact?—It is a very difficult problem in permutations and combinations.

211. You will bear with me if I read to you a certain suggestion—which has been put before the Conference by the All-India Conference of Indian Christians, in their Memorandum\*: "The real point in joint electorates is that the representative should be elected with the voice and support of others than that of his own co-religionists. This can be accomplished through specially devised constituencies. We will suggest that in these constituencies the voters should be all Indian Christians who are qualified electors for the provincial legislatures, and such members of other communities who are voters to the Council of State. The Indian Christians will continue to have the right to vote in other constituencies, but will not be eligible to stand as candidates." What is your opinion on that subject?—That is having the cake and eating it too. You cannot have it both ways. Either you trust your Hindu community or you do not.

212. *Khan Bahadur Khalif-ul-Lah Sahib* : Much is talked of communal tensions and communal evils as being due to separate electorates. I want to know whether these evils were in existence even before the Reforms?—Yes, they have always been in existence.

213. They have not increased since the Reforms, I think?—I cannot say that.

214. I am referring to the whole of India?—In certain provinces they have become more aggravated since the Reforms.

215. So far as our Presidency is concerned, is there much of this communal tension here?—It is much less since the Reforms than before.

216. Therefore certainly the Reforms have nothing to do with these tensions?—In this province, no.

217. *Mr. Siva Rao* : One question on page 310 of the Liberal Federation's Memorandum. You say there that what applies to provincial legislatures applies also in a large measure to the central legislature?—Yes.

218. It follows that the present representation of the depressed classes in the Assembly is very, very poor?—Yes.

219. Very negative?—I contemplate the same sort of representation for the depressed classes in the Assembly as I do in the legislative councils; the same sort of electorate.

220. I am talking about the number of seats?



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—That has to be taken on an All-India basis. I cannot give the number.

221. With regard to the public services, you make a recommendation that there ought not to be a predominance of any particular community?  
—Yes.

222. Am I to understand that you want a statutory recognition of that principle in the constitution?

—No; the rules framed thereunder may provide for it.

223. Then it is entirely a matter for the local Government?—Yes.

## Memorandum submitted by the Indian Christian Association, Madras.

The Indian Christian Association of Madras was established in the year 1888, and was registered as a corporation the following year. It is the premier Indian Christian Association in the whole of India and is a Provincial Organisation affiliated to the All-India Conference of Indian Christians. Its membership is not confined to the geographical limits of the City of Madras, but is open to members of the Community residing in any part of the Province of Madras. The number on rolls at the present moment is 450, and the following are the Members of the Executive Committee for the year 1928 :—

### President :

Dr. A. C. Asirvatha Nadar.

### Vice-Presidents :

Dewan Bahadur W. L. Venkataramiah,

B.A., B.L.

Rao Bahadur Paul Appaswamy, M.A., LL.B.,  
Barrister-at-Law.

Rao Bahadur V. Ponniah, B.A.

Mr. J. P. Cotalingam, M.A.

„ J. R. Sivasubramaniam, F.I.S.E.

„ J. E. Hensman, B.A., A.M.I.C.E.

### Secretary :

Mr. S. Balasingam Satya Nadar,

M.A., M.L., LL.M.

### Treasurer :

Mr. S. M. Doraiswamy.

### Members of Committee :

Mr. S. Ambrose.

„ S. J. Augustus, B.A.

„ Y. Devanesan, F.C.I.

„ O. F. E. Zacharias, B.A., L.T.

„ S. P. Arumainayakam, B.A., L.T.

On the Council of the Association are represented all interests affecting the Indian Christian Community of Southern India.

This Association has been carrying on its work without a break from the time of its establishment. The part that it has played in all the activities of the Indian Christian Community during the past forty years, and the close contact that it has maintained with all the sections of the Community in this Province confer upon the Association a right to speak with considerable authority not only on its own behalf but also on behalf of the Indian Christian Community in general. The Association has, in the past, made itself heard on matters political affecting the community.

The needs of our Community and the special disabilities it suffers from cannot be rightly appreciated unless its peculiar position among the non-Christian communities of the Province is rightly understood. Unlike our sister communities, we have come into existence through a change in religious belief. We are the product of Christian Missionary effort. Our members have been drawn from the various strata of society. Two adverse results have accrued from the peculiarity of our origin.

The earlier generations of our Community, by embracing a new religious faith, have had to forfeit what claims they had to a share in the property and possessions of the non-Christian families to which they belonged. They had to start life as Christians often in destitute circumstances. In most cases our Community has had its beginnings in material bankruptcy. Our economic condition has not improved much in spite of the rapid advance we have made in education. Many of our educated young men and young women could obtain situations only as teachers, largely in private and rarely in state-managed schools. The other branches of service were, for long, beyond their reach, because they had not the influence of wealth or position to open to them the doors to the higher grades of public service. It is a notorious fact that teachers in this Country are paid absurdly low salaries. About eighty per cent. of the ordinarily educated men and women of our Community are either teachers in schools or preachers of religion,

and the community has no prospect of material salvation until the economic condition of teachers is bettered. Poverty has affected the Christians in the villages also. Except in the case of some districts, they are dependent upon non-Christians either as farm-hands under non-Christian landowners or as tenants under non-Christian proprietors. Social disadvantage which they experience as followers of what is looked upon as an alien religion, has stood in the way of the material advance of our Community both in the village and in the town.

The second result has been this. While we share in the common disabilities of other minority communities of this Province in the matter of securing positions in the Indian and Provincial branches of the various services, and in the Judiciary of the Province, we, Indian Christians, labour under an additional disability regarding rules governing the age of candidates entering Government service. The baptismal certificate prevents the possibility of any alteration in date of birth. While, in the case of some others, there is considerable difference between the "official" age and the "natural" age, in the case of the Indian Christian the "official" age is the "natural" age also. This fact has not been recognised in the past by those who are responsible for appointing candidates to various departments. On this account, Indian Christian applicants have had to face unfair competition. We are compelled to ask for reasonable exemption from the application of age rules in the case of Indian Christian applicants who may be otherwise qualified.

Educationally the Indian Christian Community is ahead practically of every other community in this Province, and yet it is not represented in the higher ranks of public service proportionate to its educational qualifications. This injustice the Community has been feeling for years, and the remedy has to be found, not by the Community, but by the Government. If a few among us have reached positions of importance in Government service, they are highly qualified men of exceptional merits who have had to make their way in spite of many an obstacle. We have the right to be represented also on popular self-governing bodies such as Municipal Councils, Taluq and District Boards, etc. We shall not ask for preferential treatment for charity's sake. We ask for what in justice ought not to be denied to us.

We are a minority Community whose voice has rarely been heard, but, when we do make ourselves heard, we expect that it shall not be in vain.

We feel with the rest of the country that the time is ripe for the granting of Dominion Status to India and for the establishment of complete Provincial Autonomy. No political reform short of this will satisfy the legitimate aspirations of our country.

## I. THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

(a) *The basis of franchise.* In this Province, franchise based on property qualification alone has not proved a success. It is an altogether untenable position that owners of property are alone competent to exercise the right of voting or that they are necessarily competent because of property qualification. In this country there are as many illiterates among them as literates. While many graduates of the universities do not possess a vote, many an illiterate man does, all because the latter owns some property, whereas the former does not. The basis of franchise must therefore be altered to make it possible for persons other than owners of property also to secure the right of the vote. So far as the Provincial Council is concerned, we suggest that the franchise may be extended to include all those who hold degrees or diplomas of recognised universities or Completed Secondary School-leaving Certificates issued by the Government of Madras or the South Indian States.

The franchise in the case of the Second Chamber or Senate of the Province and the House of Representatives of the Central Government—the Legislative Assembly, as it is called now—shall be based on the following qualifications:

Those who pay

- (1) a Land revenue of Rs. 50 per annum;
- (2) House rent of Rs. 300 per annum or own a house of that value;
- (3) Income Tax;
- (4) Profession Tax of Rs. 10 per annum, and all graduates of recognised Universities.

In the case of the Upper House of the Central Government (the Council of State, as it is known at present), the qualifications for the franchise shall be higher and shall include

- (1) All members of Municipal Councils, Taluq Boards and District Boards.
- (2) Those who pay a land revenue of Rs. 500 per annum.
- (3) Those who pay Income-tax on Rs. 3,000 per annum.
- (4) All Graduates of recognised Universities.

(b) *Methods of Election.* Communal representation on the basis of separate electorates has not been successful in the case of the Indian Christians. This has led to friction between the Roman Catholics and the Protestants. It has not, so far, been possible for these two sections of the Community to come to any definite understanding. There are now five seats on the Provincial Legislature allotted to Indian Christians, two of which will never be accessible to Protestants and one to the Catholics. The Protestants, under ordinary circumstances, can never be sure of capturing more than one of these five seats. In the four constituencies where the Roman Catholics preponderate, no Protestant Candidate has the chance of being returned, for the reason that Roman Catholic priests exercise great influence over the voters.

Communal Electorates have led to political separation between us and the non-Christian Communities. In a country where social and religious differences are rampant, political separation will do more harm than good to national solidarity. As a highly enlightened community, we would desire to be represented in excessive proportion numerically. If that is not practicable for any reason, we claim representation to our numbers and to our educational qualifications—a point conceded by the Lucknow Pact of the Indian National Congress of 1916 and also accepted by the framers of the Montagu-Chelmsford Report.

We are of opinion that adequate representation can be secured for us by the reservation of seats in the general electorate. This will avoid conflicts between Roman Catholics and Protestants.

(c) *Number of Seats.* Indian Christians are now entitled to five seats on the Legislative Council. This number is out of all proportion to our deserts. On the basis of numbers alone we are entitled to more seats, and, when our educational qualification is also taken into account, the inadequacy of our representation becomes obvious. Our numerical position in the Province is as stated below:

Madras Province—Proportion of population.

Hindus .. ..	89.0%
Moslems .. ..	6.5%
Christians .. ..	3.2%
Tribal Religions .. ..	1.4%

Proportion of seats on the Madras Legislative Council.

Hindus .. ..	65.5%
Moslems .. ..	13.5%
Christians .. ..	5.5%
Special Interests .. ..	15.5%

It is clear from the foregoing that we are entitled to nine seats at present apart from the fact that educationally we are the leading community.

#### THE INDIAN STATISTICS.

(1) Proportion of communities per 10,000 of the population.

Hindus	6589	70.7%
Moslems	2407	24%
Buddhists	465	4.1%
Christians	123	1.2%
Sikhs	96	about .8%

(2) Proportion in respect to Education.

	Literates.	Literates in English.
Hindus	14%	1.5%
Moslems	10%	1.1%
Christians	23%	8%

From the above statistics it is clear that the Indian Christians of this Province are entitled to fifteen per cent. of the total number of seats in the First House of this Province.

The Second Chamber or Senate of the Province ought to consist partly of elected and partly of nominated members. Here also we claim fifteen per cent. of the total number of seats.

*Legislature of the Central Government.* The Assembly as it is constituted at present ought to have provided for the adequate representation of the Indian Christian Community. According to statistics we are entitled to at least four seats, two being chosen from this Province. The single nominated seat allotted to us is unfair to the Community. In the new House of Representatives or Central Legislature we claim at least four per cent. of the total number of seats.

*Council of State.* The present constitution of the Council of State is unsatisfactory, for the reason that the nominated seats are in excess of the elected ones. In this Upper Chamber of the Central Government also we claim four per cent. of the total number of seats.

*Self-governing Institutions.* We claim adequate representation on self-governing bodies, such as Municipal Councils, Taluq Boards and District Boards. In some of the districts such as Tinnevely, Madura, Trichinopoly, Tanjore, Madras, North Arcot, Salem, Coimbatore, Malabar, South Canara, and Guntur, where the Christian population is considerable, we claim twenty per cent. of the number of seats.

*Minor Interests.* We feel strongly that commercial interests and the Depressed Classes ought to be adequately represented in every representative body.

(d) *The relationship between Representatives and Constituents.* The question whether the elected representatives are guided by a sense of responsibility to the constituencies that return them is not easy to answer. Evidences are not wanting which point to a growing sense of responsibility on the part of elected representatives of the people. This consciousness is bound to grow in proportion to the measure of political privileges that are granted to the country and the extension of the franchise to educated persons as such.

(e) *Growth of Parties.* The growth of parties is the direct outcome of the formation of strong public opinion. Party system is an essential factor in the working of cabinet Government. The existence of parties is an effective check on the ministry, and party system worked on right lines contributes to efficiency in government. It is also helpful in choosing suitable candidates at elections. We, however, favour the formation of parties on the basis of differences in shades of political opinion only, and not on other considerations such as communal or sectarian.

(f) *Growth of Informed Public Opinion.* Political advance depends largely on the growth of informed public opinion. But of no country in the world can it be said that public opinion is so widespread as to cover the whole population. Much less can this be said of India with its manifold languages, castes and creeds. Increasing political consciousness resulting from enlarged political responsibilities will help the growth of informed public opinion. Experience gained from success or failure has educative value in the formation of public opinion.

*Nomination of Officials and Non-Officials.* Popular opinion regarding nomination of members to the legislatures is that it is a method of securing a Government majority in the bodies; and nominated members are, for that reason, looked upon as Government creatures. Whether this view is right or wrong, we Indian Christians are not in favour of nominations, except when minor interests, such as those of Commerce or Depressed Classes have to be safeguarded. Officials are not expected to represent the feelings of the people.

## II. THE SUITABILITY OF EXISTING AREAS FOR LEGISLATIVE AND OTHER PURPOSES.

We see no reason why there should be a re-distribution of areas for political purposes at present.

## III. THE LOCAL SELF-GOVERNING BODIES (MUNICIPALITIES, DISTRICT BOARDS, ETC.) AND THEIR RELATIONSHIP WITH THE PROVINCIAL GOVERNMENT.

Local self-governing bodies, such as Municipal Councils, Taluq Boards and District Boards, have done good work in this Province during the period in which they have existed. Drawbacks there are and failures there have been. In a country where there are many conflicting interests like India, failures are bound to occur at the initial stages of political privileges. The remedy for this is not curtailment of such privileges but the provision of safeguards against the abuse of privileges. The basis of franchise being property qualification only, the right of voting is held by a large number of illiterate persons. This gives room to the sinister influence of wealth at elections.

One of the remedies we would suggest is that literacy, not necessarily literacy in English, ought to be insisted upon in the case of every voter. This remedy, while minimising evils in the administration of local self-governing areas, will also prove an incentive to education.

Another suggestion we would like to make is that nomination to self-governing bodies should be resorted to only to secure the representation of such minorities as the Depressed Classes and others. In most cases where nominations are now made on communal or other grounds elections would be preferred, seats being reserved in the general electorate.

We favour the continuance of the provisions for the control by the provincial government of the conduct of local self-governing bodies. Such control may be specified more definitely than it is now. It should not be possible for the Collector of a district to interfere with the working of a local self-governing body unless there is danger of a conflict between that body's policy and the policy of the Government. The Provincial Government's control should be so extended as to include finance also.

## IV. THE PROVINCIAL GOVERNMENTS.

*Constitution.* The Provincial Government shall be constituted on the lines of the States in the Australian Colony.

The government shall be in the hands of a Governor appointed by His Majesty. He shall act entirely on the advice of the Ministers, except in such matters as are specially reserved for the exercise of his discretionary powers to maintain the safety and tranquillity of the Province.

The Ministry shall consist of a Prime Minister and

five other Ministers. The Governor shall appoint the Prime Minister and call upon him to form a Ministry.

The status and duties of the Ministry shall be the same as those of the Ministries in the Dominions. The Governor shall occupy the position of a constitutional Governor of a Dominion. The Ministers shall be collectively responsible to the people through the Legislature for the administration of the Province.

The Legislative body shall consist of two Houses on the model of the Australian Government. The Lower House shall be elected, and the Upper House or Senate partly elected and partly nominated. No bill shall be enacted until it has passed through both the Houses. The provincial laws shall relate to provincial subjects only, and laws which affect the whole of India shall be enacted only by the Central Legislature. Provincial legislation, inconsistent with any Indian or British Act shall be *ultra vires*. The relation between the two Houses shall be the same as is obtaining in Australia.

*Working of Dyarchy.* There shall be no dyarchy in the Provincial Government, though it may be necessary for some time in the Central Government.

The transferred subjects and the reserved ones, as they exist at present in the provinces, are interdependent and cannot be separated in actual administration. Agriculture is now separated from its ally, Irrigation, and Industry from Mines and Factories. Such artificial separation cannot but affect the smooth working of the machinery of Government.

The Secretaries to the various departments which are under the control of the Ministers are often found to differ from the declared policy of the Ministers, and this results in friction between the Ministers and the heads of departments.

It is an established principle of democratic Government that there should be close correspondence between the legislative bodies and the executive, and that there should be political homogeneity in the administration. At present the Cabinet is formed of the Ministers and the Members of the Executive Council who control the reserved subjects. The purse is in the hands of both. Unfortunately this arrangement disturbs the homogeneity and the collective responsibility of the Cabinet.

It is a common principle that Ministers should be subordinate to the Premier. This condition is practicable only when there is collective responsibility in the executive, which is destroyed by the existence of the dyarchy.

One of the reasons why we favour dyarchy in the Central Government is that dyarchy will be a check in extreme cases where there may be danger to law and order. Besides, the subjects controlled by the proposed Central Government will be mainly Imperial, and they do not, as a rule, interact on each other.

*Position and Powers of Governor.* The Governor shall be the constitutional head of the province, and if he does not adapt himself to constitutional usage, he shall be removed by His Majesty the King if a clear majority of the two Houses of the Province vote that they will not work with him.

*Departments of Government.* There shall be two main departments, viz. Provincial and Central. There shall not be any reserved department so far as the affairs of the province are concerned.

The Central subjects shall be:—(1) Defence of the country—naval, aerial, and military departments; (2) External relations with the Native States; (3) Inter-relations with the Provinces; (4) Posts and Telegraphs; (5) Railways, Navigation and Commerce; (6) Ports and Lighthouses; (7) Public Debt of India; (8) Currency and Coinage; (9) Penal Law and Procedure; (10) All-India Services, etc.

The central subjects shall be subdivided into Ministerial and Imperial: the Imperial subjects being Military, Ports, Railways, etc.

The Provincial subjects shall be controlled entirely

by the Provincial Government, and the Central Government shall have no right of interference.

*Finance.* There shall be a separate purse for the Central subjects and another for the Provincial subjects, so as to avoid friction between the Provincial Government and the Central. The provincial finance shall be controlled by the Ministers. In pre-reform days the Central Government had the right of using the funds of one province for the needs of another. Even after the introduction of the Montagu-Chelmsford Reforms, which provided that the revenues of the provinces are to be kept separate, we are often told that all the revenues are Indian for the reason that the Accountants-General of the provinces are Officers of the Government of India. We hear of "the appropriations" by the Governor-General, and understand thereby that the cash balances of a province are liable to be utilised elsewhere, though the accounts show separate revenues. There shall therefore be complete separation of the provincial funds from the central, and each province shall have freedom in the use of its funds for purposes of the province.

*Constitution of the Central Government.* The constitution of the Central Government shall be the same as in the Dominions.

The Governor-General and the Indian Cabinet shall be responsible to the Secretary of State and the British Parliament only so far as the Imperial subjects are concerned.

The Central subjects shall be divided into two groups, viz. (1) Indian—which shall be completely under the control of the Ministers, and (2) Imperial—which shall also be controlled by the Ministers, but subject to the supervision of the Secretary of State and the British Parliament.

The Ministry of the Government of India shall consist of a Prime Minister and at least seven Ministers.

The portfolios of the Imperial subjects shall be entrusted to the Executive Councillors, half of whom shall be Indians and the other half Europeans.

The Parliament of India shall consist of the Governor-General, the Upper Chamber of the Central Government, and the House of Representatives, as in the Dominions.

The Governor-General shall give his assent to or withhold it from Bills passed by the House, but he shall not interfere with matters which do not affect Imperial interests.

The relation between the two Houses of the Central Government shall be definitely specified in the new Government of India Act so as to avoid deadlocks, especially in financial matters.

*The Position and Powers of the Governor-General.* The position of the Governor-General shall be similar to the position of the Governor-General of Canada. He shall have power of ordinance-making, which shall be exercised only under extraordinary conditions, but he shall not have the right of certification.

*Relation between the Central and the Provincial Governments.* The extent of the power of superintendence, direction and control of the Central Government can be determined only after careful investigation.

*Federal India.* The Indian National Congress fears that a Federal India may not be a success, and would prefer a Unitary Government. Bearing in mind the multifarious differences and conflicting interests which characterise this country, we prefer a Federal to a Unitary Government for this country. Powerful influences may turn a Unitary Government to an autocratic one. A Federated India is a more logical growth of the present system than Unitary Government. Federation has led to the wealth and influence of the United States of America. There is no reason why the United States of India should not bring prosperity to the country.

*The Courts and Judiciary.* There shall be a Supreme

Court in India to which appeals from the Provincial High Courts shall lie. Judges of this Court shall be appointed by His Majesty the King, and they shall hold office during His Majesty's pleasure. Judges of this Court should have practised at the Bar for not less than seven years, at least three of which having been spent at the Bar in India. The powers of this Court shall be decided by His Majesty, while its jurisdiction shall be determined by the Central Government of India.

There shall be a right of appeal from the Supreme Court in India to the King in Council under conditions specified in the Judicial Committee Act.

The majority of Judges of all courts shall be recruited from the Bar, five years' practice at the Bar being the minimum qualification. We specially urge the claims of Indian Christian lawyers in the matter of appointments to the judiciary.

No officer of Government shall hold judicial and executive powers at the same time. These two powers should be separated without any delay.

*Justice in British India.* Justice shall be dispensed in India with an even hand. There shall be no distinction between man and man.

The freedom of speech and the freedom of the press, the elementary rights of all self-respecting peoples, shall not be denied to India.

No man shall be arrested and kept in custody longer than a week without a trial. Every accused person shall be informed of the nature of the charge against him within twenty-four hours after his arrest, and every opportunity shall be given to him to defend himself.

*Defence of India.* It is a discredit to the citizen of any country that he has no share in its defence. More is the pity when he is denied this privilege. Apart even from this, a sound military training has physical and moral value in the development of a nation. Educated young India ought to be given the chance of choosing the army as a career. The educated youth of this country has very limited scope for the choice of a profession. This defect would be remedied if the Army and the Navy are thrown open to deserving young men of this country. There are many Indian Christian young men who have the abilities and the inclination for a military career, but are denied entrance into the army. Large numbers of our Community have served the country and the Empire on many a battlefield in the Great War, and not a few of them have laid down their lives. We feel that the time has come for throwing open the commissioned ranks of the Army and the Navy to deserving young Indians.

We feel very strongly that the Government should not have turned down the modest recommendations of the Skeen Committee. We expect that the whole question would be reconsidered and that the recommendations of the Skeen Committee would be given effect to without delay.

*Social Progress in British India.* India has had a chequered history. Many influences, indigenous and foreign, have affected Indian society in the past, and are affecting it even to this day. Differences resulting from the existence of many religious faiths and social orders have not disappeared. Bearing the same political burdens and sharing in the same political privileges will, in course of time, bring the various communities of this country together and ensure national solidarity. The caste system, which is one of the most distressing features of Indian society, had its origin in a division of labour. Increasing political responsibilities are likely to effect divisions apart from caste differences, and the barriers of caste which appear insurmountable may become surmountable. The influence of the West in this direction has been most helpful. One unified Indian society may be more than the dream of the optimist.

*The status and position of India in the Empire.* In area and population India occupies the first place in the British Empire, but this place has not been

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given to it yet. A Federal India may reach that position. But the least that can be granted to India is a position similar to that of any of the Dominions.

#### THE POSITION OF THE SERVICES.

*The Indian Civil Service.* It ought to be said to the lasting honour of the Indian Civil Service that much of what India has achieved in the fields of politics and education she owes directly or indirectly to the Indian Civil Service. That service has maintained without a break the traditions of British justice and sense of fair play all through the changing conditions of this country. But the members of this service have, for long, been holding almost autocratic powers. Such powers might have been necessary in the past. But times have changed, and the angle of vision of the Civil Service also must undergo a change. If the members of the Indian Civil Service will realise that they are the servants of the country, and give of their best ungrudgingly, they will contribute in a larger measure to the growth and progress of the country than in the past.

In the matter of recruitment to the Service, we would urge two considerations, viz. (1) There ought to be steady increase in the number of Indians, and (2) The qualifications shall be both intellectual and moral. We might suggest a character test, should such a test be possible.

*Other All-India Services.* All appointments to the All-India services shall be made by a body specially appointed for that purpose. The Legislature of the Central Government will appoint the members of such a Board. In every province there shall be a Committee appointed by the Provincial Legislature. These committees shall nominate candidates for the All-India services and choose candidates for the Provincial services. The central staff selection board shall not ordinarily appoint to the All-India services candidates not recommended by the Provincial committees.

In order to secure the representation of minority communities in these services, preference ought to be given to candidates belonging to such communities, other things being equal.

In this connection we urge the claims of our Community, especially with reference to appointments made to the provincial judiciary.

*Indianization.* Indianization of all the departments of public service, including the Army and Navy, is the ultimate end to be achieved. We desire to see this policy pursued steadily, and not by fits and starts and in answer to any agitation.

*The growth of Education.* That education has advanced by leaps and bounds in the last decade or two is amply borne out by statistics. Yet a fringe of the country only has been touched. The masses still need schools. The introduction of free and compulsory Primary Education is the crying need of the country. Critics are again and again condemning

the methods of education and the system of education in vogue in this country. But few of the critics have quite realised where the fundamental weakness of Indian education lies. Unless a better type of teachers is secured, education is bound to fail in spite of new methods. And a better type of teachers cannot be obtained unless better terms are offered to them. An elementary school teacher is paid less than a coachman, and a teacher of the secondary grade is paid only as much as a postman. And these teachers are expected to possess a certain standard of general educational qualification and have to undergo a couple of years' professional training. Besides, they are expected to be a pattern to their pupils in every respect. The graduate teachers in secondary schools and members of college staffs are not treated any better. In India education is neglected to a culpable extent.

In this country, and especially in this province, education is largely in the hands of private agencies. Aided schools are larger in number than State-managed ones. And yet these generous private agencies are not given the support that they need. If the present state of affairs is permitted to continue, many aided institutions will perish for lack of funds.

We suggest the following remedies :

(1) The immediate revision of the grant-in-aid code, providing for a Government grant to each aided institution equal to the difference between its fee-income and its expenditure.

(2) Introduction of scales of salaries for teachers of all grades, these scales being double what are in force at present.

(3) Revision of rules regarding recognition of aided schools and colleges, making it obligatory on the part of the managements to guarantee

(a) security of tenure,

(b) adoption of Government scales of salaries, and

(c) steady Indianization of the staff.

(4) Appointment of only teachers of considerable experience as Inspectors, fifty per cent. of these posts being reserved for experienced headmasters of aided schools.

About eighty per cent. of the educated men and women of our Community are, as has been said before, teachers, and we would urge their claims to be appointed to responsible positions in the Government educational department.

We demand a thorough investigation into the educational needs of the country. The reforms we have urged would mean a much larger expenditure on education than is provided for in the present Budgets. But what additional money may have to be spent now will come back as saving on the expenditure for sanitation, medical relief, and police. When the masses are educated and a large majority are given a University training, public morality will improve and social evils disappear. It is the duty of a civilized Government to make education the first charge on its revenues.

### Deputation from the Indian Christian Association, Madras.

(COLONEL LANE-FOX IN THE CHAIR).

The deputation consisted of :—

Rao Bahadur PAUL APPASWAMY, M.A., LL.B.  
(Spokesman).

Dr. A. C. ASIRVADHA NADAR.

Mr. S. BALASINGAM SATYA NADAR, M.A.

Mr. O. F. E. ZACHARIAS, B.A.

Mr. Y. DEVANESAN, F.C.I.

225. *The Chairman :* \* \* \* May I ask first of all whether you represent only the Protestant side or have you any Roman Catholics among your members?—We represent only the Protestant community.

226. You have no Roman Catholic members?—No.

227. Are there any other denominations?—We

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represent all the Protestant denominations; all Christians except Catholics.

228. You have 450 members?—Yes.

229. On the question of franchise your view is that there should be an additional, educational, qualification for the vote?—We are very anxious about that point, because the special qualification of the community is that it has taken full advantage of the opportunities for education now available; there are large numbers of graduates in the community who do not have votes at present. We want them to be given votes, so that they may bring their education and trained intelligence to bear upon matters of government.

230. You mean there are a great many graduates who do not possess the property qualification?—Yes.

231. You would put it solely on the basis of literacy?—No; on some qualification midway between mere literacy and graduation, such as the passing of the School Final examination.

232. Would you admit some property qualification?—In addition to the usual or existing property qualification, we want the vote for all who have reached a certain educational standard.

233. *Sir A. P. Patro*: That is for the Christian constituencies?—Yes. I may mention here that we have 4,000 graduates in our community, while the great non-Brahmin community has only about 8,000; but, if so happens, we are nothing like proportionately represented in the legislative council.

234. *The Chairman*: That is rather a different point, is not it? You limit your suggestion about making literacy a qualification to the Christian community?—We are speaking mainly about Christians; as it is, the non-Christians' electorate is very large, and if an additional qualification was introduced probably it would become very much larger; but in our community the electorate is only about 5,000 in each electoral district, and so it admits of expansion.

235. I see you say you have found that a system of communal representation on the basis of separate electorates has not been successful in the case of Indian Christians, and has led to friction between the Roman Catholics and the Protestants?—On that point I should like the permission of the Conference to modify what is said in the Memorandum. Since this Memorandum was submitted we have taken the views of a large number of people belonging to the community, and especially of some leaders, and I have now been instructed to say that we would much rather have the present communal electorate system continued, in preference to any other method of election.

236. In the Memorandum I see you advocate a system of reservation of seats?—We do not stand by that now.

237. You wish to withdraw that?—Yes. I am instructed to ask for communal electorates.

238. You prefer the present system to remain, in spite of possible differences between sections of your community?—In regard to those differences I want to make a suggestion to which the Catholics are also agreeable. It is this. Friction has arisen because in four out of the five Christian constituencies Catholic candidates usually come in by election as Catholics are in the majority; it is only in one constituency that the Protestants are in a majority. We propose, in agreement with the Catholics (I believe the Catholic representatives will support us in this when they come before you), that the whole Presidency should be divided into at least three Christian constituencies, each to return one Protestant and one Catholic.

239. That is an agreement you have come to between you?—Yes.

240. It sounds a very sensible one?—There have been three legislative councils so far. In each instance when the Protestants have been in a majority the Government has nominated Catholics to make up the balance, and *vice versa*. Instead of

artificially making up the balance like that, we propose a regular arrangement by which each constituency (whether there are three or four or more) returns a Protestant and a Catholic.

241. That sounds a very admirable and much more dignified arrangement. I notice on page 322 of your Memorandum you say your representation is not sufficient, and you claim you are entitled to nine seats. You say you are 3.2 per cent of the population and you have 5.5 per cent of the seats on the council. It seems to me that it is not an inadequate representation, but you are not satisfied with it, and you say you ought to have nine seats?—This is a point on which we are very keen, so I want to address the Conference with some particularity about it. The Conference will notice that the Muhammadans are just twice as numerous as ourselves; they are 6.5 per cent of the total population, and they get 13.5 per cent of the membership of the council, whereas we, who are 3.2 per cent of the population, get only 5.5 per cent. If I may put it in figures, their numbers in this Presidency are just 2,800,000, and we are just about half that. Looking at that proportion, if they are to have 13 seats, we should have 7, but there are other considerations which we should like to urge. I take it the Muhammadans are given rather more representation than they are entitled to numerically because they are a minority community, and are likely to go to the wall unless they are adequately represented. We are still further in a minority; of the three great forms of faith, Hindus are ninety per cent of the population, Muhammadans about six per cent and we are about three per cent.

242. These figures are all in your Memorandum, so we have got them?—Yes. A further consideration I want to mention is that in the matter of education we are very much more likely to help efficiently in matters of administration than other communities because of the very large advance in education which, as I have pointed out, our community has made. I have already mentioned that we have 4,000 graduates as against 8,000 in the non-Brahmin community. The Muhammadans have only 500 graduates. In regard to simple literacy, both in English and the vernaculars, our people are very much ahead of the Muhammadans. Further as a community we stand for peace: and if Hindus and Moslems are in conflict, we will be the only persons interested in keeping the peace.

243. I think the Conference will probably feel there is something to be said for your claim on the ground of having better education, but as regards your claim that because the Muhammadans are given representation in excess of their proportion of the population therefore you ought to have it on the same basis, is not it obvious that if every minority community claimed a much larger percentage than it was entitled to there would be no room left for the majority at all? At present the Hindus form 89 per cent of the population and have a representation of only 65 per cent. What do you think the Hindus will say if every minority community takes the view you put forward?—I do not claim larger representation merely because the Muhammadans have larger representation, but on the ground that we are a separate community, and the principle behind all these legislative councils is that no community should be bound by laws to which it is not a party. Any great community should have an effective voice in making the laws by which it is going to be bound, and if our minority is given representation only in proportion to its numbers its representation will be so ineffective that in any conflict its interests will go to the wall, so that it is no good giving us representation. Communities ought also to have representation according to their value or importance and the place they fill in public life. A community like ours which is in the forefront of matters of education, which has done much to elevate and educate the lower classes and served to interpret the West to the East, the Englishmen

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and his ideals to the Oriental, ought not to be placed in such a position that they do not count for anything.

244. Let us now come to the next point about adequate representation on self-governing bodies. You do not say how you propose to get it?—All that we can say is that in every taluk board or district board where Christians are to be found in considerable numbers they should be given one elected seat at least. As a matter of fact we have not actually suffered much by the present system because a fair number of Christians do get elected to taluk boards and municipalities, but in a time of conflict, or in a time when communal feelings run high, one can imagine a Christian not getting any seat at all. So in any taluk or sub-division where the Christians are to be found in considerable numbers a certain proportion, say 10 per cent of the seats should be reserved for them.

*The Chairman:* Then you go on to deal with the general constitution and on that subject we had evidence from a great many deputations and it has been the main thing we have been considering all through.

245. *Mr. Cadogan:* On page 321 you say, "Educationally, the Indian Christian community is ahead practically of every other community in this province, and yet it is not represented in the higher ranks of public service proportionately to its educational qualifications." But surely the public services are open to your community?—They are open, but we are getting nothing like the proportion to which we are entitled in the higher ranks of the public service.

246. Why not?—In the matter of appointments, the appointing authorities yield to the community which pulls the strongest weight and as we are a minority community we scarcely pull any weight.

247. There is a prejudice against you?—There is, very distinctly. Not only prejudice, but as we do not have sufficient people of influence we do not get a large enough number of our people in the higher branches of public service. Take, for instance, the people who have got B.L. degrees. We have got five times as many people who have got the B.L. degree as compared to the Muhammadans and yet they hold exactly the same number of appointments as we hold in the judicial service. In fact, I have heard a European say that he would much prefer to be a Muhammadan, because he will then get into the higher ranks more easily. In fact, men of very much less qualification from other communities do get in and those of us who have got higher qualifications are left behind.

248. You say on page 325 "In order to secure the representation of minority communities in these services, preference ought to be given to candidates belonging to such communities, other things being equal." Why?—We do not want more than what we are numerically entitled to, that is, according to the number of educated men in our community.

249. *Khan Bahadur Khalif-ul-lah-Sahib:* Comparing the Moslem representation and Christian representation in this province, you have been saying that you are not adequately represented proportionately. May I know if in addition to the five seats which you get by election you have not been given one or two seats more by nomination consistently in all the three councils?—In the last two councils we have had two nominated members, but they were nominated to represent other interests. Of the two people who are there now the one represents railway and labour and the other the depressed classes. They have nothing to do with the Christians and they are not put there as representatives of Christians at all.

250. But the fact remains that there are two more Christians nominated in addition to the five elected?—Because our community has got many educated people the Government find it easy to get representatives from our community.

251. In the matter of services you have been saying that there are not the same number of

Christians in the public services as the Muhammadans?—In the higher branches of the public service. I can give the exact figures. Of the gazetted posts the Muhammadans are holding 68 and the Indian Christians 125, while of the higher posts, we are holding 30 and the Muhammadans 32.

252. So far as the population is concerned the Muhammadans are double your number?—Yes.

253. And in spite of that they are holding only as many posts in the higher services as the Indian Christians?—Yes. But in literacy and education we are far in advance of them; as regards law graduates for example, as I have mentioned already we have five times as many law graduates as there are among the Muhammadans. As for ordinary graduates we have got 4,200 graduates, while the Muhammadans have 500 only.

254. Do you concede that the Muhammadans have a better history and political importance?—Antiquarian considerations are very good from the point of view of sentiment, but they should not weigh in matters of the Government.

255. *Mr. Thomas:* As regards the education of women I suppose the Indian Christian women stand far above all other communities?—Looking at the figures I find that among the Muhammadans and Hindus there is one woman educated for every ten men educated, whereas in the case of Christians there is one woman educated for every two men educated.

256. How many women's institutions in this Presidency are manned by women teachers?—Not only the missionary colleges and schools, but also the Government institutions have got Christian women teachers, and most of the Inspectresses are also Christians.

257. The mission institutions in the Presidency are also educating all classes of people, in primary, secondary and college institutions?—Yes. That is another reason why we are asking for adequate representation. We very much fear that the large opportunities of education that are now available in the country owing to Christian missions may be cut short if, owing to any wave of feeling against the Christians, grants to maintain these institutions are not given and Christian institutions are snuffed out or starved. Even now very often a taluk board or district board starts a school just close to where a Christian school is already in existence and the Christian school is snuffed out. That sort of fear we undoubtedly have; adequate representation in the legislative councils would help us to make a stand for the continuance of the existing schools or the increase of them.

258. One of the things which the mission institutions stipulate is to give Christian religious education in the schools?—Most Christian institutions (except Catholic schools) give religious instruction.

259. And there is a growing tendency not to give public support for such institutions as give religious instruction?—There was a movement some time ago that pupils who go to Christian schools should have the option of saying whether they would attend the religious instruction or not. That was about six or seven years ago. But I do not hear much cry about that now, but at any moment it may rise again.

260. Is that one of the reasons why you ask for adequate representation in the council?—We feel that public education, which is the thing which has been the main plank among Christians, would suffer greatly if there is no adequate representation in the legislative council. Our mission schools and the grants made to them would suffer if a majority community makes up its mind that they have no reason to exist.

261. In the constitution of the present council there is a certain official *bloc* which may be expected to hold the scales even among the various communities; is that so?—Yes. At present, though an European official is supposed to be neutral, we



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know that he will at least see that no harm or injury is done to the minority community.

262. *Colonel Lane-Fox* (from the Chair): You advocate in your memorandum the abolition of the official *bloc*?—Yes. I say that because it is going to be abolished we ought to be put in a stronger position, because the official *bloc* was helping us and standing behind us and will hereafter disappear.

263. *Mr. Thomas*: Do you want representation in the Legislative Assembly?—At present we have no elected member at all. We have only one member who is nominated. For a community of 5,000,000 in India I think this is not fair and just. We ought to have some elected members. Even on a numerical basis we are now entitled to three seats; if the councils are enlarged we would like to have more.

264. You know the Madras Government has issued a G.O. fixing certain proportions of all communities in the public services?—Yes, according to the latest G.O. the Christians and Anglo-Indians together will have 10 per cent. of the appointments.

265. Are you satisfied with being grouped together with Anglo-Indians?—We are very much dissatisfied, because when an Anglo-Indian and an Indian Christian come into competition I fear the Indian Christian will not succeed. So we would rather like to be put on a separate footing, say 8 per cent. for the Indian Christians and 2 per cent. for the Anglo-Indians or something like that.

266. You have stated that the Christian community is advanced educationally? What is their economic condition?—I am afraid that the vast majority of our community are still very poor, because many of them are still doing agricultural work. Whereas among the Hindus 3 per cent. of the people have the property qualification, only 1 per cent. among the Indian Christians have the property qualification. That shows that we are at least twice as poor as the Hindu community.

267. The Christian community has to meet social and religious disabilities?—There are a number of social disabilities suffered by the depressed classes in this Presidency, and with one exception all these disabilities also apply to the Christians, *vide* my book.

268. *Sir Hari Singh Gour*: On page 322 you urge for reservation of seats. That is going back to communal representation. Would it not retard the growth of the party system?—What we feel about it is that there would be injustice otherwise; and probably also practical difficulties in the way of reservation of seats for Christians. This is the objection on principle. The Christian who is returned in a general electorate will be one who is acceptable to the general electorate, that is to the Hindus. He may not represent the Christian feeling at all. He may be a man who may be a Hindu in tone, in spirit and in thought. He may be unpopular among the Christians. He may be an excommunicated man. If on the principle I have enunciated a community should be bound by law to the making of which it is a party, it is better to make these people elected representatives who are acceptable to the community, and not people acceptable to somebody else.

269. That is not certainly the view of the Christian community of Northern India. Mr. Chatterjee, who was speaking for them, has told us that he supported national claims in preference to claims of particular communities?—I have got here the All-India Memorandum submitted by them. I have marked two or three sentences therein. They say that they would want it as a future eventuality. But at present, they say, that if any other community is to have separate representation they should also like to have a communal electorate.

270. You stand by that?—Yes.

## Memorandum submitted by the Catholic Indian Association of Southern India.

On behalf of the Catholic Indian Association of Southern India, we have the honour to present the Memorandum to the Indian Statutory Commission.

This Association, established in the year 1899, claims to represent the Catholic Christians of the Madras Presidency. It possesses the confidence of the Catholic Hierarchy and has for its President, His Grace the Most Rev. Dr. J. Aelen, till recently Archbishop of Madras, and has ever since its establishment been recognised by Government as the representative of the Catholic population of this Presidency.

This Association welcomed the passing of the Government of India Act of 1919 as a first step on the road to Responsible Self-Government, the goal of Indian policy that was announced in the famous declaration of August, 1917, made by the Secretary of State for India and accepted by the British Parliament and people.

While the Association and the community which it represents have co-operated with the Government and other political communities in the working of the Act of 1919, the Executive Committee is clearly of opinion (1) that the time has arrived for still further steps being taken in the direction of responsible self-government; and (2) that the actual working of the constitution of 1919 during the past eight years has revealed defects which have prevented that constitution from working smoothly and realising the end of responsible self-government.

This Committee would make its observations and recommendations on the various questions of the Indian constitutional problem under the headings indicated by the Statutory Commission in their invitation to submit memoranda published in the *Gazette of India* of March 10, 1928 (Notification Public No. F. 143/28).

The Committee would like to preface its statement with the view that without losing sight of the needs and general progress of the country, its observations and recommendations would be made from the particular standpoint of Indian Christians of whom Catholics form, and are recognised to be, a political part. It would also introduce its statement with the observation that the total number of Indian Christians is 1,327,215, of which the Indian Catholics are 730,911; and the total number of Christian voters is 24,800.

1. The representative system as applied to British India.

(a) *The basis of the franchise.* The committee are of opinion that one basis of the franchise should continue to be a property qualification; literacy in the vernacular should be made an alternative electoral qualification. The property franchise might be slightly lowered although the present rate is low enough.

Even with the present qualification, the committee think that the number of voters could be appreciably increased if Government take upon itself the duty of registration of voters instead of leaving it to candidates and parties as at present. Under the present system it may be also pointed out that the votes are given to holders of pattas, and as the joint family system obtains even among Catholics in rural parts, a large estate may bear only one vote, while the number of managers and cultivators of the estate may be more than one.

(b) *Methods of election.* The present system of communal electorate for the Indian Christians should be retained.

In view of the large size of the average district and the lack of communications, the Committee would recommend that the district be divided into sub-districts or wards and each sub-district or ward be allowed to elect one member instead of the whole district being allowed to elect 2 or 3 members as at present.

We think that for provincial and central legislative

bodies the system of communal electorates should be preserved for the representation of particular and communal interests; this system is not necessary for representation in local bodies like municipalities and district boards, as, with proper organisation and combination, it would be possible for Muhammadans and Christians to be elected as they have been, in the past, in this Presidency; if the number of seats in these local bodies were considerably increased and properly "redistributed," it would be possible to get most of the minority communities represented. As it would be desirable that, at one stage at least of Government, the largest number possible of people should have some share in the business of Government, we would advocate a very considerable lowering of the present franchise, i.e., any adult male occupying a part of a brick-built house in town or country part should be given the right of electing to these local bodies.

We would recommend that the direct methods should be introduced in all these elections; the present system of indirect election to District Boards in Madras should be given up.

We think that the present constituencies for Indian Christians are rather unwieldy, the central constituency for instance including as many as nine districts. The number of Indian Christian constituencies electing members to the Madras Legislative Council should be increased to ten, no Christian constituency being allowed to include more than three districts. We are of opinion that the strength of the Legislative Council should be increased to 300. In which case, the number of Indian Christians should proportionately be increased.

(c) *The relationship between representative and constituents.* In the opinion of this committee, the relations between members and their representatives are not what they should be; on account of the large size of the constituency, the political indifference of the people, the difficulty of fixing responsibility under the present system of dyarchy, communication between member and constituent is infrequent and does not lead to political education or training in responsibility in either party. It is very rarely that members tour their constituencies except at election time. Especially in Indian Christian constituencies, including six or seven districts this communication is even more difficult and infrequent.

(d) *The growth of parties.* The party system has little chance of establishing itself in this Presidency on account of—

(1) The difficulty of fixing responsibility under dyarchy, (2) the anti-Brahmin feeling resulting from the monopoly of political power by the Brahmins which has brought into existence in Madras ever since the Reform a non-Brahmin party, called the Justice party, which has refused up to the present to admit Brahmins as its members, (3) the refusal of the Swarajists to accept office giving them an electoral advantage to obtain which other parties are tempted to drop their original principles and form themselves into a more or less permanent opposition to the Executive Government; thus in Madras the Justice party has been obliged to jettison one or other of its old political principles of conservative progress and co-operation with the Government, (4) the scramble for appointments, either paid, as in the judiciary, or honorary, as memberships and presidencies of local bodies, school committees, temple committees, which results in individual members of parties changing their political creed, to gain the favour of the Minister who has such appointments in his gift. (5) Catholics have to this extent contributed to the growth of the party system, that they are to be found in almost all the political parties in Madras.

(e) *The growth of informed public opinion.* There is only one English weekly for Catholics in Madras which deals with political questions; the vernacular papers hardly concern themselves with political

questions; the political opinion that expresses itself in the press and on the platform is confined to the educated minority; in regard to general public opinion there is very little of it in the districts; there are very few district vernacular papers. Administrative policies of the future might well aim at the provocation of public opinion in the rural parts by the use of the district gazettes as media for publicity propaganda on behalf of Government.

(f) *Nomination of officials and non-officials as additional members of elected bodies.* The number of officials belonging to the permanent service of Government nominated to legislative bodies ought to be considerably diminished or even abolished; administrative experience ought to spread among the elected non-officials who should as secretaries or under-secretaries take the place of the present officials partially in the central and provincial legislatures; in local bodies an official or two may be kept to bring into contact the official and non-official agencies of Government.

2. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions:—

(a) *Local self-government.* The present local areas would be manageable if only the communications by road were developed; the lack of village roads connecting villages with first and second-class roads is a great obstacle to the progress of villages and to administrative efficiency.

(b) *Provincial.* In the Madras Presidency, we think Coorg is advanced enough to have self-governing institutions introduced to a partial extent; with regard to proposals for division of existing provinces, we are against any such divisions being based on linguistic grounds; for we think that would be a backward step and strengthen that tendency towards division which has been the bane of Indian political life: we are against the division of the Madras Presidency into Andhra and Tamil provinces, as the interests of administrative efficiency do not require it.

3. Local self-governing bodies.

(a) *Constitution.* They ought to be almost wholly elected except for a very few to ensure the proper representation of depressed classes.

(b) *Functions.* There is no need for adding to their present functions.

(c) *Relationship with officials of Provincial Government.* One official, generally the collector of the district or his deputy ought to be a member of these local bodies to ensure harmony and efficiency in administration.

(d) *Control by Provincial Government.* The present control ought to be relaxed and local bodies given a free hand in administration within the scope of their powers liable to punishment by suspension in the case of gross maladministration.

(e) *Finance.* The powers of taxation of local bodies ought to be increased.

4. The Provincial Government.

(a) *Constitution.* The time has come for making Provincial Government wholly or almost wholly "responsible." All subjects except perhaps Law and Order should be transferred to Ministers responsible to the legislature which is in turn responsible to the people.

(b) *Dyarchy.* Dyarchy, although workable with goodwill on all sides, has not succeeded in teaching responsibility, as responsibility has been difficult to fix on account of a common purse and common legislative council and one half of the Executive not being responsible to the legislative council; whatever development takes place, Dyarchy should be scrapped; whatever degree or extent of responsible self-government is granted, it should be real and effective; this can be done only by the responsible ministry being made responsible to a wholly elected legislature and by its having a purse of its own and a civil service amenable to its control and discipline.

(c) *Position and Powers of Governor.* In view of the

large measure of self-government advocated in (a) and (b) the Governor for the defence of minorities or administrative reasons should have a real power of veto; if Law and Order are not "transferred," he should administer it through an Executive Council responsible to him and through him to the Central Government and British Parliament; to provide against obstructive tactics and deadlocks, the Governor should have real powers of administration of taxation and collection of revenue, in case the Ministers and the Legislative Council refuse to function.

(e) *Relationship of Ministers to each other.* Joint and collective responsibility must be insisted on from the beginning as in Madras, and not left to the will of particular Governors as in Bombay, United Provinces, etc.

(f) *Growth of party system in the Provincial Councils.* Already dealt with in 1 (e).

(g) *Working of particular departments.* No observations to offer.

(h) *Classification into reserved and transferred subjects.* All subjects should be transferred except Law and Order (i.e. police).

(i) *Desirability of Second Chambers.* The Committee is strongly of opinion that Second Chambers should be established in the provinces, if full provincial self-government is to be granted; the provincial legislature will become very powerful and its power in the interests of liberty ought to be divided and distributed; the governor's power of veto is not enough, it ought to be supported and backed up by the power of possible veto of a Second Chamber. To secure full representation of the provinces also, Second Chambers are desirable. Minorities, interests and individuals also which cannot find their way into the more popular branch of the legislature ought to find a place in it. Moreover, if "law and order" are not to be transferred, this Second Chamber would be the forum in which the acts and policy of this branch of administration could be surveyed and discussed by the representatives of the people.

(j) *Question of Provincial Autonomy.* Provincial autonomy in our opinion means not only responsible government, i.e., the responsibility of a provincial executive to the provincial legislature and electorate; it means also freedom in ordinary circumstances from the jurisdiction of the Central Government in regard to all transferred subjects, but as a perfect division of subjects is not possible, the Central Government may be given the power of putting an end to deadlocks and conflicts of jurisdiction.

(k) and (l) *Finances of Provincial Government and Financial Control.* A joint purse has not allowed responsibility to be easily fixed; if there are to be reserved and transferred halves of the Executive, they ought each to have their own revenues and full power of control over their expenditure.

5. The Central Government.

(a) *Constitution.* In view of the incomplete political unity of the country, the lack of a real national army and a national civil service, it would not be possible to introduce complete "responsibility" in the Central Government; but some measure of responsibility must be introduced if only to avoid the "impasse" at which the relations between an almost wholly elected legislature and an "irremovable" and "irresponsible" Executive have arrived. We would recommend that the subjects of Education, Agriculture, Industry and Law be transferred to an Executive responsible to a wholly elected Legislative Assembly, while the subjects of Army, Foreign and "political" relations, Railways and Commerce may be retained in the hands of an Executive Council and responsible to the Secretary of State for India and the British Parliament as now. The Council of State would serve as the forum of discussion for these branches of administration. Each half of the Central Government would have its own Finance Ministry and purse.

(b) *Position and Powers of the Governor-General.* His power of veto ought to be real; he ought not

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[Continued.]

to continue to be his own Foreign Secretary as at present.

(c) *Governor General's Executive Council.* We think that all the Executive Councillors except those in charge of the Army and Foreign relations ought to be Indians; the Commander-in-Chief ought to be replaced by a civilian Executive Councillor; the practice of Secretaries having access to the Governor should cease; the Executive Council should be a real Cabinet; and all relations between the Secretary of State and the Government of India should be with the Governor-General in Council.

(d, e and f) already dealt with in a, b and c.

(g) *Relationship between the two Houses.* They ought to have equal and co-ordinate powers except that money bills should be initiated in the popular Legislature.

6. Relationship between Central and Provincial Governments in regard to:—

(a) *The extent of power of superintendence, etc.* Jurisdiction only in extraordinary cases to prevent deadlocks or in All-India interests.

(b) *The Classification of Subjects.* The present classification may continue.

(c) *Financial Relations.* Freedom and autonomy of each Government ought to be the rule with separate purses; provincial contributions ought to go, the Central Government having the residuary power of taxation.

7. The Courts and the Judiciary.

A Supreme Court ought to be established in India to promote the legal unity of the country. We do not think the courts ought to have jurisdiction over constitutional questions.

8. The Constitutional Problem in regard to:—

(a) *Law and Order in British India.* Law and Order cannot be "transferred" in the Central Government till the army becomes really national, and political unity more complete than it is now; till Law and Order is transferred in the Central Government, it would be difficult to transfer it in the provinces.

(b) *Justice in British India.* In view of the present position and power of the Bar, recruitment to all courts may be made mainly if not wholly from the Bar.

(c) *Defence of India.* India cannot be really self-governing till it is largely dependent for its national defences on itself. The gradual conversion of the present racial armies into a real national army and

the Indianisation of the superior cadre of officers must be taken in hand and achieved as soon as possible.

(d) *Social progress in British India.* Political progress is dependent on social progress. Much more may be done by legislation and administration to speed up social progress than has been done in the past.

(e) *Federation in India.* On account of the unequal political development of the various provinces, and the position of the Native States, the establishment of Federal System of Government would be difficult in India. Till the provinces of British India and the Native States reach an equally advanced stage of political progress, the question of federation will not become practical and actual.

(f) *The Status and Position of India in the British Empire.* Geography and the politics of the Middle Far East make it imperative that India should continue to be part of the British Empire. The position it acquired by the signing of the Treaty of Versailles makes her Imperial status equal to that of the self-governing dominions whatever her internal constitution may be.

9. The relationship between the Central Government, the Secretary of State and the British Parliament.

As the Central Government becomes more and more responsible and to that extent the control of the Secretary of State of India and the British Parliament will diminish.

10. The position of the Services.

(a) and (b) The rate of Indianisation of these Services will have to be considerably accelerated, if responsible self-government is to be reached within a reasonable period of time.

(c) Provincial Service must be largely Indianised in all transferred departments.

(d) *Question of recruitment.* The Secretary of State should cease recruiting in all transferred departments. Provincial Civil Service Commissions should be established on the model of the present Public Service Commission.

(e) *Indianisation.* Already dealt with in (a and b).

11. The Growth of Education.

The Commission is expected to make a special announcement as to this branch of inquiry. And the Executive Committee will submit a separate Memorandum when that announcement is made.

## Afternoon.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON AND LORD BURNHAM), OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN, MR. KIKABHAI PRENCHAND AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE MADRAS PROVINCIAL COMMITTEE.

(IN THE ABSENCE OF THE CHAIRMAN, COLONEL LANE-FOX OCCUPIED THE CHAIR).

## Deputation from the Catholic Indian Association of Southern India.

The deputation consisted of:—

Mr. S. ARPUDHASAMY UDEYAR, B.A., L.T., M.L.C., Professor, St. Joseph's College, Trichinopoly.

Rao Bahadur A. T. PANNIRSELVAM, Barrister-at-Law, President, District Board, Tanjore.

Mr. V. S. MANIKAM, B.A., B.L., Vakil, Dindigul.  
Mr. S. J. RATNASAMY, M.A., B.L., Vakil, Trichinopoly.

Mr. D. XAVIER, Municipal Councillor, Mayavaram.  
Mr. A. S. GNANAPREGASAM PILLAI, Retired Police Officer, Madras.

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[Continued.]

Mr. BASHYAM PAPPICHA NAIDU, Shrotriemdar, Pannur, Chingleput District.

Mr. MALAVARAPPU PAPPICHA NAIDU, Merchant and Honorary Secretary, Agricultural Bank, Killacherri, Chingleput District.

Mr. P. CHINNAPPA REDDY, Mirasdar, Phirangipuram, Guntur District.

Mr. M. P. A. TAMBY, Professor of Latin and French, Deleque de l'Alliance française, Hon. Secretary of the Catholic Indian Association of South India.

Rao Sahib Dr. D. R. COLACO, Secretary, South Canara Catholic Association.

Dr. L. P. FERNANDES, Vice-President of the South Canara Catholic Indian Association, and Municipal Councillor.

Mr. M. S. SRESHTA, B.A., Barrister-at-Law, Retired C.C.S.

Rev FATHER R. F. C. MASCARENHAS, Consular of the Diocesan Council, Mangalore.

1. *The Chairman (Colonel Lane-Fox)*: I understand that Mr. Udeyar is to be the spokesman of the deputation, and that you represent the Catholic Indian Association of South India?—(Mr. Udeyar) Yes, sir.

2. We have got your memorandum and I will just go through some of the points contained therein. I see that there are 730,911 Roman Catholics out of 1,327,215 Indian Christians in the Presidency?—Yes, sir.

3. So you are a little more than half of the total number of Indian Christians, and I gather that your body is entirely composed of Roman Catholic Indian Christians?—Yes, sir.

4. You suggest that the property franchise might be lowered?—It might be slightly lowered. At present it is Rs10 in rural areas while it is Rs3 in urban and municipal areas. It may be brought down to, say Rs8 in rural areas.

5. You think on the whole that the present rate is low?—Yes, sir.

6. And you suggest that some literacy qualification might be added?—Yes, sir.

7. Those who have not got property qualification, but have got literacy qualification should be allowed to have a vote?—Yes, sir.

8. I do not quite understand what you mean when you say on page 329 of your Memorandum: "The number of voters could be appreciably increased if Government take upon itself the duty of registration of voters." I take it that the Government provides the machinery and it is for the voters to go and get their names registered?—We think it would be better if the Government were to take upon itself the duty of registration of voters, because especially in the Indian Christian constituencies which extend over 3 or 5 districts, morally speaking, it is impossible for the candidate to go round and get the names of those electors whom the officers have left out included in the roll.

9. Do you mean to say that the Government ought to carry out the whole investigation to find out the qualified persons?—It is usually done by the village officers and by the staff of the municipality. So if Government could appoint some one to supervise the work and do the needful it will be better, sir. It is only a suggestion.

10. What kind of supervision have you in mind?—The officer who is usually appointed is a revenue divisional officer. He may send for these lists and scrutinise them, and if he finds that the complaints made by the electors or the candidates are reasonable he may insist upon a further revision of the lists. We want a little more help from the Government.

11. You wish to retain the present system of communal electorates for Indian Christians. We heard this morning a deputation from the Indian Christian Association, who told us that they have made an agreement with you that there should be three constituencies for the Indian Christians, each of the constituencies returning two candidates,

of whom one should be a Roman Catholic and the other a Protestant. Is that so?—We know nothing about this. Our contention is that we should have more than three constituencies. We should like to have 8 to 10 members.

12. *Sir A. P. Patro*: Did they discuss this proposal with you?—They did not meet us at all.

13. *The Chairman (Colonel Lane-Fox)*: Anyhow, that seems to be a reasonable arrangement which could be made amongst yourselves?—(Mr. Sreshta) The Protestants and Catholics are not equally distributed and so there will be difficulty in working it out. (Mr. Udeyar) I think there can be no objection in giving them 3 or 4 seats, though not exactly an equal number of seats.

14. It is clearly a matter for arrangement amongst yourselves?—Yes, sir.

15. You wish to have direct election for district boards instead of the indirect election which you have now?—Yes, sir.

16. Why do you say that?—At present one has to be dancing attendance on the president or the minister, whereas if we have direct election with smaller wards there is a possibility of more members being returned to these boards. Members of district boards are elected from the taluk boards. It happens that some members group themselves together, making it impossible for members of minority communities to be returned.

17. I see you say that the present constituencies for Indian Christians are rather unwieldy and that you want your representation in the Madras legislative council to be increased to 10. I think you are only about 3 per cent. of the population while you demand about 10 per cent. of the seats in the Council?—It is not only a question of proportional representation, but also a question of adequate representation. In a body of 120 strong 6 members may exert some influence, but if the strength of the council is increased to 300, even 7 or 8 cannot make their influence felt. It is only a question of adequate representation of minorities. We want 10 seats because we have recommended that the strength of the Council should be 300.

18. I do not think that your remarks in the Memorandum convey that meaning. You say that your number should be increased to ten and remark: "We are of opinion that the strength of the Legislative Council should be increased to 300, in which case, the number of Indian Christians should proportionally be increased." You ask for more than ten seats in case the number of the members of the Council is increased. If it is increased to 300 you want roughly, 30 seats?—(Mr. Sreshta) May I give you some figures on this point, sir? At present there are about 38 million Hindus. On that basis and assuming that we get 100 Hindu members, each Hindu member will represent 3½ lakhs of Hindus; on the same calculation each Muhammadan member will represent about 2 lakhs of Muhammadans.

19. What about the Hindus?—Hindus, 3½ lakhs; Muhammadans, 2 lakhs; and Christians, 2½ lakhs. Our position is that if we follow the same ratio as has been taken for the Hindus we certainly get a lower representation, but we get a larger representation if we take the ratio adopted for the Muhammadans. It is not clear what principle has been followed in giving more representation for the Muhammadans. Apparently they have been given more representation on the principle that the smaller the body the larger the representation should be to make the representation adequate. I have one other point to state, the point of literacy. The total number of English literates among the Christians is more than among the Muhammadans in the Presidency. Nevertheless, we are to be given only six members as against fifteen for Muhammadans. If you consider ordinary literacy, there, too, our numbers almost equal the number of Muhammadans. Taking into consideration all these factors, it strikes

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[Continued.]

me that a mean may be drawn and that the number ten may be roughly fixed as adequate.

*The Chairman (Colonel Lane-Fox):* We will consider the views put forward.

20. Then, on page 330 of your Memorandum, I see you say that you wish to see the number of officials nominated to legislative bodies either considerably diminished or even abolished. Has it ever occurred to you that the Christians get considerable support from the official *bloc* in the Legislative Council?—*(Mr. Udeyar)* It is in no way connected with lack of sympathy or encouragement on the part of the official element. They are invariably sympathetic towards us. But we want the Council to be made responsible, therefore, we want to see the official element reduced as much as possible. There is no connection whatsoever between this suggestion put forward by our community and any lack of sympathy or encouragement shown by the official *bloc*. They are always sympathetic towards us.

21. Then, I see, you are against the Madras Presidency being divided up on linguistic grounds. You think it would be a backward step. I can quite see the financial difficulty. But what is your particular objection?—Not only financial difficulties, but also we do not want to see some separatist tendencies asserting themselves. Our endeavour should be to promote national unity and work for it. We should think not in terms of Karnataka or Telugu, but in terms of nationality. And then, setting up so many provinces will mount up the cost of establishments and things like that.

22. Then you think that the power of taxation of local bodies ought to be increased. What particular sources of taxation have you in view?—Excise may be transferred to local bodies. Excise revenue.

23. You will increase the excise duty?—No. It may be transferred to the local bodies. It is provincial now. It may be localised.

24. Then you wish to have a Second Chamber established in the province?—Yes, sir.

25. You suggest that a safeguard for better government in the future will be the Governor's veto, but that it should be strengthened by a possible veto of the Second Chamber. You propose giving a veto to the Governor as well as to the Second Chamber?—If there is a Second Chamber there will be no need for His Excellency the Governor to veto.

26. That is an alternative then?—Yes, sir.

27. And you want to have some system of dyarchy in the Central Government?—Only for the subjects, Army and Foreign relations.

28. Even though you think that dyarchy in the provinces has been a failure you will advise it for the centre?—In the centre, only for a few subjects.

29. Though you think in the provinces it has been a failure you believe that it is likely to be a success in the centre?—In this sense. We have no Indian Army and Indian Navy. Until these things become accomplished facts there must be control exercised by His Excellency the Viceroy over the Army, Navy, and Foreign relations. So, we say that these external subjects may be reserved.

30. *Lord Strathcona:* You say, on page 330, "Classification into reserved and transferred subjects:—All subjects should be transferred except "Law and Order (i.e., Police)." Could you very shortly explain the reasons why you are opposed to the transfer of Law and Order?—If you refer to the other paragraphs, too, sir, you will see that is proposed more or less tentatively. If you are going to reserve any subject, let it be Law and Order. We do not insist on it in the Memorandum.

31. It is a suggestion?—Yes, a suggestion.

32. *Khan Bahadur Khalif-Ul-Lah. Sahib:* You just now said that excise should be made a source of revenue for the local self-governing bodies, namely local boards and municipalities. You have got a wide experience of the administration of the province. Do you mean to suggest that excise is a fit subject for the local bodies to have a proper control of?

—There is no question of control. I mean a portion of the revenue.

33. *Mr. Thomas:* It was mentioned to you that you have suggested dyarchy in the Central Government, though it has been found to be unworkable in the province. May I suggest to you that whereas in the provinces dyarchy has been introduced in regard to subjects which are all internal, the subjects in the centre for which you suggest dyarchy are all external administrative subjects?—That was my meaning.

34. Does not that make a difference between the working of dyarchy in the provinces and the suggested dyarchy in the centre?—It does.

35. With reference to representation of Christians in the Legislative Assembly, may I know what your ideas are? Would you ask for a separate electorate?—For the Assembly?

36. Yes.—We shall ask for it, because past experience shows that up to now we have not been able to return a single member.

37. During the last three periods, not a single Indian Christian has been returned to the Assembly by means of election?—That is so.

38. So you want separate election for the Assembly also?—Yes.

39. *Mr. Hartshorn:* Are you running candidates in the general electorate?—There was one candidate, but he was defeated. That was Mr. Cotelingam. *(Mr. Manikam)* Mr. Lazarus also.

40. *The Chairman (Colonel Lane-Fox):* Can you take part in the general electorate?—*(Mr. Udeyar)* For the Assembly we have not got a separate electorate.

41. You cannot take part in the general electorate for the Local Council?—No, not for the Local Council.

42. *Mr. Thomas:* In fact the general impression was that Mr. Chakkarai Chetty, who also stood for election, would have been returned if he had not been a Christian?—*(Rao Bahadur Pannirselvam)* One of the arguments against his election was that he was a Christian.

43. In the Local Council—in the present Council and also in the last Council—you had five members returned and two Indian Christian members nominated?—Yes.

44. And supposing the number of candidates for general constituencies is increased by 50 per cent., you also would expect that 50 per cent. increase to be given to Christian representation?—Yes, especially because if nomination goes we lose these one or two Indian Christians who are nominated now. Therefore the number is put down as 10 in the Memorandum.

45. The Chairman was saying that you suggest that in the proposed reforms the official element should be abolished, that there should be no nomination of officials?—Not exactly abolished; very much reduced.

46. May I suggest to you that the presence of the nominated officials may be looked upon as a sort of influence which tends towards holding the scales even between the various communities?—I do not know whether their presence actually contributes to that effect.

47. So you think that so far as the position of the Christian minorities in the Council is concerned, the abolition of the official element would not make any difference?—I do not think it would make much difference.

48. With reference to the Services, are you satisfied? Do you know the proportion which is allotted to the Indian Christians in Government service according to the Government orders?—According to the new Government order, I am sorry to find that Indian Christians are bracketed with Anglo-Indians. So my contention is that Indian Christians should be regarded as belonging to a distinct community. Indian Christians should continue to be regarded as a distinct community as hitherto, and should not be merged with Anglo-Indians, who certainly form a different community.

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CHRISTIAN DEPRESSED CLASSES.

[Continued.]

The proportion also ought to be more satisfactory.

49. The Chairman asked you whether you were agreeable to a division of the constituencies, each constituency returning a Protestant and a Catholic. May I ask you whether that course will not promote harmony between these two great communities?—Yes, an agreement on these lines—if it is not exactly half and half, very nearly half and half, say, 6 and 4 or 5 and 4—will make for harmony.

50. Who is to make the agreement?—Government itself may divide these districts or form these constituencies in such a way as to see that in the usual course this number is elected.

51. I am suggesting to you that according to your suggestion certain constituencies will always return Protestants, and certain constituencies always

Catholics. I suggest to you whether a better course would not be for each constituency to return both a Catholic and a Protestant, which may lead to the Catholic section being interested in the Protestants, and *vice versa*. Each constituency will then feel that it is represented not only by a Catholic but also by a Protestant.—Is it practicable? Is it feasible? I think it will be as difficult to work it as reservation of seats in the case of minorities. So the better arrangement would be for these constituencies to be so formed as to be able to return a certain number of Catholics and a certain number of Protestants. If that is not workable, then the old kind of arrangement, a sort of domestic arrangement, may be entered into by these communities for the sake of harmony and peace.

### Deputation from the Christian Depressed Classes.†

The deputation consisted of:—

Mr. S. M. GNANAPRAKASAM, B.A., B.L., Vakil, Saidapet, (Spokesman).

Rao Sahib M. R. MAHIMAI DOSS, Retired Deputy Presidency Post Master and Honorary Presidency Magistrate, Madras.

Mr. G. DAVID, Proprietor, the Hotel Mercantile, Egmore, Madras.

Mr. C. V. THOMAS, Contractor, Messrs. Mothavez & Co., Madras.

Mr. P. M. GOPALAKRISHNAN, Secretary for Economic Service, American Arcot Mission, Katpadi.

Mr. F. M. LOUIS, Teacher, Saint Xavier's St., Dindigul.

Mr. S. A. S. THANGAMUTHU, General Secretary, The South Indian Oppressed Classes Adi Dravida Union, Chingleput.

52. Colonel Lane-Fox: I understand that your chief difficulty is that, though you are Christians, you still suffer very largely from the disabilities of the Depressed Classes?—Yes, sir.

53. That you do not find your position as Christians has improved it in any way?—No, sir.

54. And that you are really not in any better position than the Hindu Depressed Classes, and you say that no Christian can hope to stand for a general electorate?—Yes.\*

55. What do you actually suggest as a remedy for that?—The chief remedy is that we should be given equal privileges with the Hindu Depressed Classes; that is, the present Hindu Depressed Classes are at present enjoying certain privileges, and if these privileges are extended to us also, our position will really improve, because we are living side by side with the Hindu Depressed Classes. Though we have been converted to Christianity, yet we live in places where these Hindu Depressed Classes also live side by side as neighbours, and even under the same roof members of the same family belong to Hinduism and also to Christianity.

56. Do you mean to say that there should be representation to the Christian Depressed Classes separately and specially in addition to what is given to the Hindu Depressed Classes?—Yes; as soon as we become Christians, the so-called caste Christians also oppress us; they do not want to treat us as brother Christians, as members of the same religion.

57. You say that the caste distinction goes on even in the churches?—Yes, sir.

58. Does that obtain in an acute form?—Yes,

sir, in an acute form. We are treated as untouchables by Christians themselves.

59. Do you mean to say that in a Christian school your children will be denied access?—Yes, in such Christian schools where there are caste Christians also. There are no doubt certain elementary schools meant only for the Depressed Class Christians, but where there is a commingling of both caste Christians and non-caste Christians, there there is oppression and seclusion.

60. I think what you are asking for is special representation for yourself. Is that so?—Our interests must be safeguarded.

61. Do you ask for special representation on the local Councils?—Our grievances must be represented there and the method we suggest is this, that is the communal electorate which is existing now will not solve our problem.

Sir Hari Singh Gour: What they want is that they should be asked to vote in the general electorate and that their representative should be nominated to the Council.

62. Colonel Lane-Fox (from the Chair): You say you wish to see the end of the communal Christian electorate so that you may have a vote in the general electorate, on the ground that in that case your weight of numbers will be felt and that those whom you elect will feel it their duty to look after your interest?—Yes.\*

63. At the present moment you are only a small party in the general Christian community, and you feel that you do not get your interests looked after as they should be?—Yes, in the case of the general electorate our grievances will be better represented.

64. You say, at page 339: "We are thus against this communal Christian electorate which has created only an artificial Christian community and concealed the yawning gulf of our distress under a deceptive layer of 'Christian' body-politic"; and you say, lower down: "We have mentioned before how the dependence of caste-men on the votes of the Depressed Classes forces the former to seek the latter, study their conditions and alleviate their distress; and when the majority party in the legislature furnishes the Government of the day with the Transferred Half of the executive, the men in power do not forget that they owe their position to the votes of the Depressed Classes also, and initiate effective measures themselves or respond quickly to the appeals of the leaders of the Depressed Classes for relief and redress." Anyhow, that is your ground for wishing to do away with the present communal Christian electorate and take part in the ordinary general electorates?—Yes.

\* Vide Appendix.

† In this case the Memorandum is printed after the evidence, on pp. 337-340.

1 March, 1929.]

CHRISTIAN DEPRESSED CLASSES.

[Continued.]

65. In addition to that, you still wish to have a nominated seat?—Yes.

66. As a matter of fact, if you have the power to vote in the general electorate, what sort of proportion of votes would the present franchise give you; a large number of votes?—The present franchise may not give us the same number of voters, because the electors being illiterate do not know how to exercise their rights.

67. You do not suggest a lowering of the franchise, do you?—As it is, it is all right.

68. *Mr. Cadogan*: You belong to the Indian Christian electorate, and you have got a right to vote for a candidate in that electorate to represent your cause. But you say, on page 339: "The few Christian representatives who snatched our votes" for seats in the legislatures were lost in the vortex "of the Council politics and diffused themselves" almost unrecognised in the several parties with "little influence on the majorities." It is a general complaint, therefore, and we might leave it there. All the same your interest is there; but I take it that your contention is that even those Christians whom you elect do not represent your cause, but that they represent only the high-class Christians; is that so?—Yes, sir.

69. *Sir A. P. Pabro*: Your representation is that you are in the same position as the Hindu untouchables and, therefore, you want to be included among the Hindu untouchables in order that you may have proper representation; is that so?—Not as Hindu untouchables, but as Depressed Classes.

70. You want still to be treated as Depressed?—Not to be treated as Depressed, but to be given the same privileges as the Depressed Classes have.

71. You want to have the same rights and concessions as are given to the Depressed Classes, though you have become converts to Christianity; that is your position?—Yes.

72. *Mr. Siva Rao*: You say, on page 337, that you form sixty per cent. of the Indian Christians of the Presidency. Do you represent the same voting strength?—No.

73. In the communal electorate now, what is the percentage of your voting strength?—One-fourth or so.

74. What will be your voting strength if you are included in the general electorate along with the Hindu Depressed Classes? You think you would be more?—No.\*

75. Then how do you make your influence felt in the general electorate?—When the candidates come for our votes we can have some influence over them and they, being in a position to form the majority in the Council, will voice forth our grievances also.

76. Cannot you have the same influence over your brother Christian representatives?—Four out of the five representatives in the Council now belong to the caste Christians.\*

77. How many are nominated from the Christian Depressed Classes?—No one.

78. In the present Council?—None.

*Mr. Daniel Thomas*: Dr. Premayya?

79. *Mr. Siva Rao*: Your request seems to be that you should be classed along with the Hindu Depressed Classes, and you claim a certain proportion of the nominated seats which are now available for the Depressed Classes. What proportion do you claim out of the 10 which are now available for the Depressed Classes?—One-fifth or one-sixth.\*

80. *Mr. Siva Raj*: Do you want to continue still in the Indian Christian electorate even if you are given the right to vote in the separate electorate for the Depressed Classes or even in the general electorate?—How can there be Christian electorate then?

81. You now form part of the Christian electorate?—Yes.

82. You want to vote in both places?—No.

83. Do you not think that that will weaken the case of the Indian Christians that they want a greater number of seats on the ground of population and so on?—That is their look-out. We are prepared to merge in the general electorate. Let them stand by themselves. That deputation does not represent us.

84. I am not opposed to your interests at all, but the real position will come to this. If you are treated as Depressed Classes it will be practically substituting the Government in the place of the missionaries which have hitherto been rendering what little help they could to you?—The Government are bound to help us because we are the subjects of Government.

85. Do you not think that the Hindu Depressed Classes still feel that they would rather have all these disabilities continue rather than become Christians?—Religion has nothing to do, because religion has not improved matters. In the name of religion everything has been mismanaged or misunderstood. Therefore religion is not the criterion.

86. Do you not think that literacy amongst the Christian Depressed Classes is much better than it is amongst the Hindu Depressed Classes?—A little better. It is among the caste-Christians.

87. If you are included among the Hindu Depressed Classes, what will be your percentage to the total Hindu Depressed Class population?—One-sixth, that is about one million.

88. *Mr. Thomas*: Your position is, so far as I understand, this: The Government allows certain privileges to the Hindu Depressed Classes, and your economic condition being practically the same as that of the Hindu Depressed Classes you claim the same concessions and privileges which are shown to the Hindu Depressed Classes?—Yes.

89. Do you know that in the Council the Christian representatives whom you want to disown have been fighting for the Christian Depressed Classes also, and urging that they should be given the same advantages as are given to the Hindu Depressed Classes?—They may be fighting. There has been opposition from among the Hindu Depressed Class leaders.

90. But so far as the Christian representatives in the Council are concerned, they have been pressing on the Government that the Christian Depressed Classes should be given the same concessions as are being given to the Hindu Depressed Classes because of their economic backwardness; are you aware of that?—A few of them may do so.

91. Some effort is being made by them?—A few have spoken, no doubt; I cannot deny it.

92. Of the five seats which are reserved for the Christians in the Madras Presidency, the seat in the Northern districts is held by one who comes from the Christian Depressed Classes?—We have come to know that he is a member of the Depressed Class.

93. Though he belongs to the Christian Depressed Class you are not in touch with him?—His influence is not felt.

94. Even a Christian Depressed Class member does not represent you?—At times.

95. That is a matter which nobody can help?—That is because of the fear which exists in a man by exposing himself as a Christian or as a Depressed Class man. Very often there is the desire to conceal one's self.

96. Even in the last Council the representative elected by the Northern districts constituency was a Depressed Class Christian, Mr. J. D. Samuel?—We have come to know that he is a Depressed Class Christian.

97. Even though in the last Council and in the present Council there were Depressed Class Christians they have done nothing for you?—Not sufficiently.

98. Apart from this you are not aware that members from the Depressed Class Christians have been nominated both in the last Council and in the present Council?—Dr. Premayya.

\* Vide Appendix.



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CHRISTIAN DEPRESSED CLASSES.

[Continued.]

99. You are not aware of anybody else?—Mr. Vandanam.

100. He was nominated in the last Council?—Yes.

101. With reference to your position that you want to take your place in the general electorate you have just now said that your voting strength in the Christian electorate would be about 24 per cent. Assuming it is so what do you think will be your voting strength in the general electorate. Would it be one in 400?—The same number will be there.

102. What is the proportion?—Let it be nothing; but we will have the influence upon the majority.

103. So you say that your present influence on the Christian community, though you hold one-fourth of the franchise, is nothing and therefore you will go to another electorate where you will be 1 in 400?—Our influence will be greater there, because there we will be recognised.

104. With reference to education, the attendance of the Depressed Class Christians is opposed in Hindu schools?—Yes.

105. So that practically what education your community possess has come from the mission schools?—There are very few highly educated men in our community.

106. Whatever education you now possess comes from the mission schools?—From some of them.

107. From which district do you come?—Tinnevely.

108. Is there any mission school in that district in which the Depressed Class as such is not admitted?—It is treated as untouchables.

109. Can you point out any mission school in the Tinnevely district in which a Depressed Class man is not admitted?—He is admitted, but is treated very badly.

110. The treatment depends upon the individual teacher who is there.—Not on the individual teacher but on the general policy of the Institution. (Mr. Gopalakrishnan) The conditions seem to vary between the Protestant Christians and the Roman Catholic Christians. Conditions are not so bad in the Protestant Churches as they are in the Roman Catholic Churches. The Protestant Christians are treated better even in the villages; that is though the caste system still prevails. Conditions are not so bad in most of our districts.

111. You know Mr. John, who represents the Northern districts constituency. He is a Depressed Class man?—(Mr. Gnanaprakasam) Yes.

112. He holds the position of a Council secretary in the present Council?—Yes.

113. Do you think that you get the same treatment from a fellow Hindu casteman as you get from your fellow Christians?—I think our fellow Christians also treat us equally badly.\*

114. Is it in the matter of social amenities or in the case of legal rights such as the admission into schools and so on?—I cannot generalise.

115. You say there are individual cases?—Yes, in which we are treated as untouchables by our own Christians.\*

116. You know there are certain castes just above the untouchables?—We are untouchables and every body else is above us.

117. You admit that there is a caste just above?—There may be.

118. Are they experiencing the same disadvantages as you experience from the class above them?—It may be from the higher rungs; I am not an authority on that.

119. Sir Arthur Froom: There are now five seats for the Indian Christians in the Legislative Council?—Yes.

120. You never succeeded in securing a seat for the Christian Depressed Classes?—With regard to the Andhra districts constituency Mr. John is returned as a Depressed Class candidate. He has

been successful because a majority of the voters there belong to the same community. That is not the case in the South. The other four seats which are in the Tamil districts are contested by the caste-Christians and they succeed and we have no hope at all there.

121. You have now secured one seat?—Yes, and that is in the Andhra districts.

122. Your idea is to do away with the separate electorate and join the electorate of the general constituency?—Yes, we wish to be merged in the general electorate.

123. The caste-Christians will be included too in the general electorate?—They will have equal privileges if they are also merged.\*

124. The Indian Christian cannot vote in a general electorate?—Yes, he cannot.

125. You do not want a separate electorate either along with caste Christians or as Depressed Classes?—Not at all. In certain places where the converts are exclusively from the Depressed Classes they are treated as Depressed Classes; and where there has been conversion from the caste Hindus they are treated as caste people only.

126. An Indian Christian is disqualified from being a voter on the electoral roll in the general constituency, is that not so?—Yes, till now, certainly.

127. The Chairman: (Colonel Lane-Fox) You want to do away with the separate Christian electoral roll?—Our prayer is that.

128. Sir Arthur Froom: Christian Depressed Class men are being nominated by Government?—There is only one now.

129. So, one is elected and one nominated?—Yes.

130. You have got two seats in the Council?—Yes.

131. And you want more?—Yes, but not under the present system.

## APPENDIX.

*Further elucidation of the evidence of the Christian Depressed Classes supplied by them after reading the record of evidence.*

54. The answer in the affirmative would be correct if the question would stand thus:—And that you are really not . . . and you say no Depressed Class Christian can hope to stand for election?

62. The answer in the affirmative would be correct if the question would stand without the words, "That in that case your weight of numbers will be felt, and."

63. The answer in the affirmative would apply only to the second half of the question which runs, "and you feel that you do not get your interests looked after as they should be?" To the first half of the question which runs, "At the present moment you are only a small party in the general Christian community." The answer should have been: "We form 60 per cent. of the general Christian community," unless the question meant that by being included in the general Christian community we form a small party as against the general Hindu community.

74. The answer in the negative would be correct if the voting strength of Christian Depressed Classes alone was referred to. But it goes without saying that when we are given to vote in the general electorate, the strength of the Depressed Classes as a whole gets augmented by Christian and Hindu Depressed Classes joining hands and voting as one body as against the present disconnection owing to separate Christian communal electorate.

76. The answer would be complete with the addition, "The five representatives in the Council are a negligible minority as against the huge Hindu majority who now watch the interest of the Hindu Depressed Classes."

79. The answer "One-fifth or one-sixth" would be correct if it referred to the proportion of the

\* Vide Appendix.

## CHRISTIAN DEPRESSED CLASSES OF SOUTH INDIA.

numerical strength of the Christian Depressed Classes to that of the Hindu Depressed Classes. But the proportion of nominated seats which the Christian Depressed Classes claim out of the ten now available for the Depressed Classes would be one-fifth or three-tenths.

113. In the answer I mean by "fellow Christians" caste Christians, and the answer presumes treatment accorded to us by both caste Hindus and caste Christians.

115. In the answer "by our own Christians" I mean caste Christians.

123. The answer is not complete. The words "with their own caste Hindu Brethren" are omitted after the word "privileges" and the whole answer must run thus:—"They will have equal privileges with their own caste Hindu Brethren if they are also "merged."

## Memorandum submitted by the Christian Depressed Classes of South India.

We, the Depressed Class Christians of South India, take this opportunity to express our unstinted loyalty and devotion to the British throne and abiding trust in the benefits of British rule in India. We are proud of the fact that thousands and thousands of our men (Christian Depressed Classes) have served the cause of the King-Emperor in many of the wars of the Empire and have shed their blood for the victory of British arms. We note with particular gratification that most of the sepoys in the regiments of the Carnatic have been drawn from our ranks.

We offer a wholehearted support and welcome to the Royal Commission on Indian Reforms headed by that large-minded Liberal Statesman, Sir John Simon, and thank His Majesty the King-Emperor for having so graciously granted us the opportunity to represent the grievances and disabilities of particularly backward and oppressed Communities like ourselves.

We are by religion Christians, both Roman Catholic and Protestant. Of the total population of Indian Christians of the Presidency the converts from the Depressed Classes form about sixty per cent. When the Christian religion was preached in our lands, we, the Pallas, Pariahs, Malas, Madigas, etc., embraced Christianity. But others of our stock and origin were not converted and they are known to be the Hindu Depressed Classes, being all Hindus or adherents to the Hindus in religion.

In spite, however, of our Christian religion which teaches as fundamental truths the equality of man and man before God, the necessity of charity and love for neighbour and mutual sympathy and forbearance, we, the large number of Depressed Class converts remain in the same social condition as the Hindu Depressed Classes. Through the operation of several factors, the more important of them being the strong caste-retaining Hindu mentality of the converts to Christianity, and the indifference, powerlessness and apathy of the missionaries, we remain to-day what we were before we became Christians—untouchables—degraded by the laws of social position obtaining in the land, rejected by Caste-Christians, despised by Caste-Hindus and excluded by our own Hindu Depressed Class brethren.

The small proportion of the Christians of South India, whose representatives are found in the Legislative Council, say, in Madras, are Caste-Christians, a term which sounds a contradiction in terms, but which, unfortunately, is the correct and accepted description of high-caste converts from Hinduism, who retain all the rigour and exclusiveness of caste. Particularly in the mofussil parts and the villages, they who ought to be our fellow-Christians follow all the orthodox severity and unreason of caste exclusion; they damn us as "Panchama or Pariah" and ignore our Christian claims and in the fulness of their affluence, power, prestige and position exclude us poorer Christians from society, deny us the use of public wells and streets and rigorously segregate us to cheries and slums where we drag on a miserable existence along with the Hindu Depressed Classes. Frequent outbursts of anti-Panchama

activity are the scandal of the South Indian Christian life, and the least attempt on our part to better our lot, forward our progress and assert our elementary rights calls down the wrath and fury of every man—official and non-official—Christian or Hindu, who claims a foolish superiority of birth. Denying the very foundations of Christianity, contrary to all love and charity and brotherhood, our "fellow-Christians" treat us even in the churches as untouchable and unapproachable, and relegate us to separate accommodation removed from their precincts and barricade their portions by means of iron rails and walls and fencings. There are several such churches.

In the matter of reception of the sacraments, a most ridiculous segregation is practised to avoid pollution; our claims to educate our children and train them for life are ruthlessly denied and through sheer prejudice our children are denied access to schools, convents, hostels, boarding-houses, or if admitted assigned an ignominious separate accommodation. Tracing his descent from high caste Hindu progenitors the Caste-Christian looks for social status and position and finds favour in the eyes of his fellow caste-men, the Hindus. He treats the Depressed Class Christians in the same way as the Hindu Depressed Classes are treated by the Hindu caste people.

Our people find their lodgings in "paracheries," despicable slums, full of hovels and huts, the glaring signs of poverty and distress accentuated by social tyranny. These cheries are scattered all over in the City of Madras, as well as in the mofussil towns and villages all over South India. We live with our non-Christian brethren (Hindu Depressed Classes) while the Caste-Christians live in localities where Caste-Hindus are, or in isolated quarters far away from the paracheries, and have nothing to do with us. There are, for instance, more than thirty-five cheries in the City of Madras alone, and about fifty-five in Trichinopoly town, where, under the same roof in most cases, and in closest neighbourhood the Depressed Classes—Christian and non-Christian—live in unity and sympathy, and have so lived for centuries together; and they join as a homogeneous whole, in weal and woe, and share one another's joys and sorrows, being more often than not, related by ties of blood.

In spite, therefore, of our Christianity, we are refused admission into the social fold of the Christians by those who call themselves Caste-Christians, and owing to our birth and origin are treated as untouchable Panchamas, lowest in the social ladder, less worthy of their attention and consideration than the very dog or the cat. We have thus everything in common with the Hindu Depressed Classes and nothing at all, except religion, with the caste-retaining Christians, with whom we are to all intents and purposes associated in political and administrative nomenclature.

While, however, the Hindu Depressed Classes have found favour with the Government of Madras, so much so that their economic and social conditions are being bettered day by day in various ways, by such measures as free education, liberal scholar-

ships to children, hostel accommodations, house sites, grant of lands, etc., and of particular importance, separate political representation in Councils by nomination to Legislatures, Educational bodies, the Senate, District and Taluk Boards, Municipalities, etc., the Depressed Class Christians have been most pathetically neglected, ignored and forgotten for no fault of theirs. The glaring abuses of a social tyranny that is particularly horrible in its working are as much a feature of our lives as those of our Hindu Depressed Class brethren. We suffer from the same disadvantages, degradations, harassing restrictions on our progress as the Hindu Depressed Classes; yet by an anomaly that is painfully pressing upon us, on the one hand the Adi-Dravida representatives in the legislatures and the local bodies do not recognise our claims but ignore us, forgetting that we are their kith and kin and have been so for centuries together, and the Indian Christian representatives on the other, ignore their co-religionists completely and dance to the tune of a caste-ridden electorate which looks with unholy indignation upon any attempt to raise our low position.

The condition of the Depressed Class Christians was not properly gone into at the time of the introduction of the Reforms, through the agency of persons who on the one hand tried to conceal the sores in a supposed united Christian body-politic and on the other attempted to throw us into an obscurity out of which they might make profit; the result was that without our knowledge or consent, we have become merged in the Indian Christian body-politic of Southern India to be subservient to the wishes of Caste-Christians who have no love for us, and to help them with our votes for seats in the Council.

The reasons for the complete lack of Government support to our case, in spite of our numbers, in spite of the glaring abuses and wickedness of the Hindu social system which has lost none of its influence upon us, though Christians, are mainly three.

In the first place it is presumed that we are all Christians, practising a humanising religion which preaches equality and charity and love, that we have been united in common fellowship by bonds of religion with Christians of higher castes, and that we have a Communal electorate which gives us our representatives in the Councils.

A second reason for the public ignorance of our conditions has been the studied attempts of the leaders of the Hindu Depressed Classes to have us excluded from the privileges that they might get from the Government. In spite of the fact that several organisations of the Depressed Classes especially at the outset were largely initiated and supported by leaders of Christian Depressed Classes, the leaders of the Hindu Depressed Classes now argue that we are Christians and should not therefore be admitted to the privileges that they derive from Government help. However, there have been two notable exceptions to this in Rao Sahib M.C. Madurai Pillai, and Mr. R. Veerian, ex-M. L. C. The arguments of the Hindu Depressed Class leaders that Christian Depressed Classes are not entitled to equal privileges and concessions are based on prejudice, envy, personal motives and supreme ignorance of social conditions. To say that because of a change in religion we have become socially and materially important reveals their utter ignorance of our condition. Religion cannot be the criterion or condition of progress, and in our case Christianity has not unfortunately been effective in raising our social or material position. It is the social tradition that tells, and in the case of the converts to Christianity, the social tradition of a non-caste origin has not been removed; and therefore it is futile to quote a religious change to justify a denial of admission to protection and privilege. The Hindu Depressed Classes have been shown special protection because of their pitiable social condition, the result of age-long oppression, and not because of their Hinduism. To deny us those privileges which are justly ours owing to similar social distress, crying for relief, on the plea of our

religion is illogical and bespeaks the prejudiced mind of selfish leaders.

Thirdly, it is commonly alleged against our claims that we are the recipients of the missionaries' generosity and are so much helped by missionary organisations that we have no reason to clamour for special protection. But we submit that though we cannot deny that we have gained from the missionary the light of faith and the treasure of Christian truth, the large numbers of our poor people have not otherwise benefited to any great extent. The missionary's doors are open to one and all; furthermore with the best of their intentions they are handicapped by limited resources and it would be injustice to expect them to better our condition in the material sphere to the extent our present depressed condition requires, or in the same measure the civil authority only can provide. Besides, it is a matter of option for the ecclesiastical authorities to help us materially, but never a matter of obligation. Moreover, the missionary's first idea is conversion and he spends his resources in helping the possible Hindu convert and not an old convert.

The most powerful argument against the alleged superior position that we are supposed to enjoy in Christian economy will be the actual condition of our people—Social, Economic, Educational, Political. As to social condition, we have already mentioned the fact of a social tyranny which is no less severe in our case than in that of our Hindu brethren. The idea of Christianity having wiped away these unreasonable rigid distinctions between man and man is not certainly borne out by facts and experience in the Christian tracts of the south, where it is more the rule than exception to find the anomaly of whole Christian congregation most vehemently prejudiced against all non-castemen and inextricably ridden by unreasoning caste observance and cast restrictions opposed to all laws human and divine; and the slightest movement on our part or that of the missionaries to alleviate the misery of the poor Depressed Classes brings down the unholy indignation of these Christian caste men with the inevitable corollaries of rioting, insubordination, unseemly pamphleteering and scandalous schisms. An instance in point is the recent Caste-Christian disturbances in Trichinopoly town where an organised attempt was made in 1926 by Caste-Christians to stand in the way of the uplift of the Depressed Classes and fight the non-caste men through the agency of unscrupulous instigation to riot, vilification, threat and assault.

Economic conditions are obviously very discouraging. Where a social tyranny grinds down the masses, economic elevation and self-assertion are impossible, except of course, through recourse to violent or revolutionary methods. The Hindu Depressed Classes have been suffering from the same social tyranny and the same economic distress, but through the benevolence of the Government and particularly the Labour Department are on the path to a better standard of life as a result of grant of *darkhast* lands and house sites, free education, and provision for more schools and increased number of scholarships to children; however we do not deny that they are far from a tolerably favourable social condition; yet in more respects than one we are worse than they. Too poor to educate their children even to the minimum, our parents send their children to serve in factories, farms or domestic establishments. The large masses of our men in general have not had the advantage of primary education. The number of our men who have had the benefit of a secondary and university education is shockingly meagre, considering the advancing tide of literacy in the higher classes. Our graduates are a mere handful; and they are not in a position to be of good to themselves or their kinsmen; and because of want of encouragement and the successful competition of their more affluent comrades of the higher castes, they have not risen to higher appointments in the State.

As to employment and profession, our people

in the towns largely find their living in domestic and menial service, while the greater majority in the villages lead a servile existence as serfs under the tyranny of a land-owning aristocracy,—high caste, Christian or Hindu—which grinds down the helots into perpetual bondage. Of property in the shape of lands or houses or gardens our men have little or nothing; and not possessing the wherewithal to snatch a sufficient living for the day, they have of course not the savings that would ensure for them a more comfortable existence. The cruel spectre of a low-caste origin follows them wherever they venture and bars them from progress and prosperity. Economists lay down that no progress is possible where restrictions on mobility of labour are rigidly enforced, and our condition as labourers is a standing illustration of how a rigid artificial system can sap the springs of active labour and throw whole communities into poverty and degradation.

Politically, in the matter of representation under the Reforms, we seem to have fallen into an unpleasant anomaly and become the victims of a cruel mistake. We belong in the registers to the Indian Christian electorate and have the right of voting for candidates who can represent our cause. It would seem thus that we can elect our own representatives, but by inexorable custom and horrid caste no Christian Depressed Class candidate can stand for election to the Legislatures with any chance of success, because his caste-observing fellow-Christians would be horrified at the sight of a mere "Panchama" entertaining the idea of becoming a Councillor, an idea shocking to their notions of superiority of birth, privilege and power. Thus, with our votes given at every election, we have the disconcerting spectacle of Caste Indian Christian representatives occupying the seats of the Councils and with little or no exception voicing only the demands of their caste-brethren. We do not deny their intentions to ameliorate our condition, but from an analysis of the results of their representation up to now, they seem to have done little to raise our position or add one single item to the betterment of our condition. Frequently they are handicapped by party influences, personal antipathies and political commitments, nor can we fail to emphasise the strong influence of a caste-observing electorate upon the representation, an influence which is directly of no positive good to us, either in the shape of getting us grants of lands or scholarships, etc.

Our Hindu Depressed class brethren are in this respect in happier circumstances. They have the right of voting in the general constituency for Hindu representatives, which makes the Hindu candidates of the higher castes go and seek the votes of the Hindu Depressed Classes, study their condition, improve it and take effective legislative measures through their majority, in the Council for their uplift. This dependence of the majority community on the Hindu Depressed Classes, a fact which means that the voters have the benefits of those in power, because the latter had risen through the former, is a feature absent in our case, where the Caste-Christian candidate relies more upon the votes of his own brethren than on ours, since by property qualifications and social position they carry greater weight. The Caste-Christian representatives cannot recommend our case because of caste prejudice which however gets strengthened by the excuse that their strength when compared with that of the Hindus is next to nothing. To add to their strength in the Council, the Hindu Depressed Classes have had their number of nominated members in the local Council raised still further. Nominations of their own leaders to seats in the Councils have undoubtedly produced enormous advantages to the cause of the Hindu Depressed Classes. Their special interests have been given particular protection; their social importance has risen to an appreciable degree in the estimation of the higher castes. Their presence in the Legislatures themselves and in the several committees has given

them a power and prestige which go a long way to the redress of their grievances and their elevation to the level of the caste people. By means of incessant interpellation, resolutions and bills aimed at the amelioration of their condition, the nominated leaders of the Hindu Depressed Classes have brought the question of their appalling distress vividly before the country and have successfully stirred the age-long oppressive social mind of the people. We have only to instance the facts of the personal activity of untiring leaders of the Depressed Classes, who armed with their authority as members of the legislatures have compelled the executive to remedy long-standing abuses such as the denial of the use of public wells, streets and other amenities to the Depressed Classes, the inaccessibility to public institutions such as post offices situated in caste quarters, the exclusion from schools, hostels, charitable institutions, etc., and forced the weight of legislation to bear upon the apathy of local bodies and boards and grant educational and other concessions and privileges.

We have in the above pages detailed, however inadequately, our conditions and compared them with those of our Hindu brethren, of the same origin. We beg respectfully to submit our needs and to suggest the remedies that will relieve our present unhappy situation.

The question of the Franchise and the representation in the legislatures affects us at least as much as it does any other minority community. We have detailed how, jumbled together with the Caste-Christian in a communal electorate, we are faced with the anomalous position of giving our votes and not getting their due—proper representation.

We are thus against this communal Christian electorate which has created only an artificial Christian community and concealed the yawning gulf of our distress under a deceptive layer of "Christian" body-politic.

Recently we are informed that the Hindu Depressed Class leaders have put forth a demand for "separate electorate" and universal suffrage for electing their own representatives; we are against these proposals, firstly, because we are sure a "separate electorate" produces merely the evils of a narrow communal electorate and loses hold of the influence on the majority especially the caste-men who then do not depend on our votes; nor are we prepared to assert that our political or other education is so advanced as to ensure the right understanding and practice of the methods of election and principle of honourable candidature. We are afraid, until a more progressive period, the gift of separate election along with universal suffrage will turn a danger in our hands and lead to the manoeuvring of unscrupulous persons and the free play of agencies such as corruption, intimidation, vice and, worst of all, the election of unworthy men possessed with vainglory but incompetent to represent our cause. What we want, therefore, is vote in the general constituency, like the one the Hindu Depressed Classes have now, to elect caste Hindu members of the legislatures.

We have mentioned before how the dependence of caste-men on the votes of the Depressed Classes forces the former to seek the latter, study their conditions and alleviate their distress; and when the majority-party in the legislature furnishes the Government of the day with the Transferred Half of the executive, the men in power do not forget that they owe their position to the votes of the Depressed Classes also, and initiate effective measures themselves or respond quickly to the appeals of the leaders of the Depressed Classes for relief and redress.

It is this lack of contact with the general body of the electorate, a result of the narrow groove of a purely Christian communal representation, that has led to the complete submergence of our people, the Christian Depressed Classes, into sufferings and obscurity.

The few Christian representatives who snatched our votes for seats in the legislatures were lost in the

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vortex of the council politics and diffused themselves almost unrecognised in the several parties with little influence on the majorities.

This is the inevitable effect of our having nothing to do with the election of major communities who do not care for us and, not caring, do not know our condition, and knowledge, it goes without saying, is necessary for sympathy and relief. We, therefore, request you to give us the franchise in the common electorate to vote for Hindu or Indian leaders just as the Hindu Depressed Classes do. Our social importance will rise only in proportion to our hold on the majority community.

Secondly, in order that our interests detailed above may find adequate, informed expression in the legislatures, we require leaders of our own class to be nominated to the legislatures. As a protection of their special interests the Government very justly reserves certain seats to the Depressed Classes in the legislatures, but as pointed above our people are not represented, though our interests are identical with those of the Hindu Depressed Classes. The nominated leaders exclude our claims to protection out of motives already dealt with. We, therefore, submit that a few seats may be reserved for us in the legislatures, and leaders of our community fit to represent our case be nominated members. Nomination has, of course, its disadvantages, but we believe that in the present state of our political and social progress, as a transitional remedy at least, nomination is preferable to election within ourselves. Politically unorganised, socially backward, we believe that a system of election within ourselves will produce disruptive influences among ourselves and lead to suicidal rivalry, play of personal antipathies etc.

In other spheres our needs are easily told. Education as was shown above is at an absurdly low level among us, and it is a universal truth that education on proper lines is the panacea of all ills, especially social and economic. We, therefore, submit that our educational progress may be accelerated by the provision for more schools and free grant of scholarships to our children, the remission of exacting fees for examinations and tests. We believe that practical education, technical studies, and industrial classes will lift us up to a high level through successful business employment and engagement in trades, and we request that facilities may be afforded us, as for the Hindu Depressed Classes, for the admission of our children to industrial and technical institutes, and grant of technical scholarships and stipends. The attraction to education is proportioned to the possible benefits at the end of the course, and the Government has it in its power to give special support to the graduates and other members of the community by appointing them to high posts. The fiat of the Government obliterates social distinctions and it is obvious that an official from the Depressed Classes, occupying a responsible position through his merits and through the very necessary encouragement of Government, commands the respect and attention

of his subordinates of a higher caste. Much can the Government thus do to raise the influence of the few graduates we have now, and may have in future, by giving them high appointments which are a necessity since they are of good to the man concerned and much more to the large number of helpless people scattered in the province, and by reasonable exemption from rules regarding age, and other restrictive conditions for competitive examinations and official service.

Economic measures which the poor masses need to raise their standard of life are too numerous to mention, and we indicate only a few such as the grant of lands to our people for cultivation, house-sites, redemption from indebtedness through advantageous and speedy loans, inclusion of our men in the Co-operative machinery—Co-operative Societies, banks, etc., encouragement of thrift in our midst through profitable return to our deposits. It is needless to dwell upon these and other measures which are of pressing necessity to us, as we feel that proper nominees from our leaders would from time to time suggest to the Government the ways and means to improve our economic lot. In this connection we submit that proper representatives from our community are necessary in such assemblies as Taluk and District Boards, Municipalities, Educational Councils, etc., for the self same reasons that the Hindu Depressed Classes ascribe for their representation, and it will be easy to understand how proper representation will lead to eventual redress of grievances and satisfaction of our claims.

We are sure that much of the venom of Caste-Christians will be lost when we, the Depressed Classes, make efforts through the support and active patronage of Government to improve our educational position and augment our economic resources and thus knock the fangs off social tyranny. And when the voice of our representatives in the legislatures and municipal bodies, added to the efforts of the parties in the council who may have profited by our votes, cries out for legislation and remedial proposals to remove abuses and restore us our rights, our interests might need no more special protection.

We repeat our heartfelt affection for the British Crown and the person of His Imperial Majesty and our trust in the benevolence of British administration.

This memorandum is submitted to the Indian Statutory Commission on behalf of the Christian Depressed Classes of South India. Some of the leaders of these people were granted an interview by the Commission in Madras. If and when oral evidence will be necessary, Mr. S. M. Gnanaprakasam, B.A., B.L., Vakil, Little Mount, Saidapet P.O., Madras, will be prepared to submit it. He was one of the spokesmen in the Deputation to the Commission in Madras.

On behalf of the said Depressed Class Christians the undersigned have been authorised to submit this Memorandum.

### The Rt. Rev. BISHOP AZARIAH, Bishop of Dornakal, called and examined.

132. *The Chairman (Colonel Lane-Fox)*: We are very much obliged to you. I think the Commission would particularly like to know how much truth there really is in this idea of caste distinctions in your church. It would be very interesting if you just made a broad statement.—That a distinction is made in church life and in school conditions among Christians themselves is true only to a very limited extent. It is limited to certain areas and certain churches. I think the spokesman of the last deputation belongs to the Roman Church, and that is the church which for some reason or other has for all these centuries been indifferent to the question of

abolishing caste in the church. They are taking steps now. In that community the non-caste converts have disabilities in their church life and principally, as he says, in school and educational matters also. But apart from this exception, the statements in the first page or two are not true of most protestant missions and most areas, either in the Tamil or in the Telugu country. In the Telugu country it is absolutely nil. The present member for the Andhra Christian constituency is representative of the Depressed Class converts, and so have been his predecessors ever since the Legislative Council was formed. There are very many of our

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pastors and some of our teachers who have been nominated to taluk boards and district boards. So that, that sort of distinction that has been made out here is not at all true of the Andhra area, nor is it true of most Tamil areas, except perhaps in the Roman Church areas, and perhaps to a limited extent in Lutheran Churches. Those are the two bodies where these distinctions are made. But if I may go on to make my statement, it is true on the other hand that the caste system being what it is, at least in working out certain provisions made by Government to help the labouring classes, Christians who come from the depressed classes have been very often neglected both in the Andhra area and in the other areas. In my own personal experience, I have been again and again appealed to by my own people in my diocese, because, though the attitude of the Government is neutrality in religion, yet owing perhaps to the religious prejudice of the men who are called upon to work out the principles, religion has very often been a disadvantage in getting for Christian Depressed Classes, the facilities afforded by Government for the Depressed Classes as such. I remember particularly the instance of a man very high up in office telling a deputation of Christian panchamas that he could only help non-Christian panchama men, and that if they would change their religion he would help them. That is purely religious prejudice, not caste. This is one of the disabilities that Christians undergo because of religious prejudice. I do not know what the remedy is. But what I feel is, the principle of religious neutrality on the part of the Government must be worked out and strictly adhered to by all the officials. That leads me to speak of the Labour Department. The Labour Department ought to help all labour, whether they are Christian, Hindu or Muhammadan. Labour officers are appointed to take special care of all out-caste people, and very many things they do for all alike; but in education, (as one representative of the missionary societies has already stated before another Commission) this department has been neglecting the Christian community. I think the Christian people and the missionary agencies desire that all such disabilities should be removed.

133. *The Chairman (Colonel Lane-Fox)*: That is a ground for giving them representation in the council?—I do not know whether that will remedy the matter I have mentioned.

134. If there is a question of one community being neglected that is a reason why it should be given full representation in any representative body?—Yes. Whether it will provide the remedy or not I do not know. But I think in framing any constitution the principle of religious neutrality, of the Government and its officers being impartial in their administration, ought to be emphasised. I do not at the present moment speak of representation at all.

135. *Sir A. P. Patro*: May I just explain? There is a departmental rule that help and grant-in-aid should be given to the Depressed Classes or the backward classes, backward in the matter of education, and all these classes of people who are backward in education are classified in the educational rules for the purpose of free scholarships and grant-in-aid. The result is that the Christian community is classed as a very highly educated community, more educated than other classes. So as soon as a Depressed Class man becomes a convert, for educational purposes he is classed as belonging to a community or class which is highly educated. Therefore the preference which he would otherwise have as a depressed class man is lost to him.—That is what I mean.

136. The Christian community in this province is largely an educated community and it is classed as No. 1 in the rules and therefore as soon as he joins in this community and merges in it he loses that privilege or that concession which he would have received when he was a member of the backward community?—Yes.

137. *Rao Bahadur Rajah*: But that is not the case now. The rules have been changed.

*Mr. Thomas*: Not in the Labour Department.

*Rao Bahadur Rajah*: Sir A. P. Patro referred to the educational rules. He quoted rules mentioned in the grant-in-aid code. It was true that Christians of Depressed Class origin were not given these concessions, but now the rules have been changed and a Government order has been issued that if a proper certificate is attached to show that he was a member of the Depressed Classes before becoming a Christian the concession would be allowed to him.—Not in the Labour Department. The Labour Department has in its hands over a thousand scholarships for technical and primary and secondary studies, and the Labour Department has the order of the Government that they have nothing to do with Christian Depressed Class people. That is the grievance.

138. *Rao Bahadur Rajah*: The point, sir, is this. The money voted for the Labour Department is voted for the untouchable classes and not for the Christians. That is the point.—Of course these people maintain, and I maintain, that religion should not become a disqualification. It is the social and economic condition that ought to determine it.

139. *The Chairman (Colonel Lane-Fox)*: Therefore you ask for special grants for Christians?—Not for Christians as such. In the Telugu country, for instance, during the last ten years hundreds and thousands of people have changed their religion from Hinduism to Christianity. Now, at least in the first or second generation, it is contended, and I believe justly, that these people ought not to be deprived of the privileges that they would have enjoyed if they had not changed their religion. The Government should not place a disadvantage on these people because they have changed their religion.

*Sir A. P. Patro*: Within the last ten years there has been what is called the mass movement in Christian work. Christian aid and Christian endeavour societies have been doing a great deal in the matter of improving the condition of some very depressed class peoples. This elevation work has been very beneficial to them, and the problem is whether they ought not to be treated as depressed classes still though they have changed their religion. They belong to the poorest labouring classes.

140. *The Chairman (Colonel Lane-Fox)*: As depressed classes they had certain advantages. Now that they have become Christians they lose them?—Yes. It is an administrative problem.

*Sir A. P. Patro*: It is an administrative problem which we began to consider two or three years back. Certain concessions were made, and I believe that is being considered again.

*Mr. Thomas*: The same disabilities applied in the Education Department also, but that has been cancelled as a result of agitation.

141. *The Chairman (Colonel Lane-Fox)*: We are interested in this from a constitutional point of view, and therefore is there any point that you would like to bring before us by which we may alleviate the condition of the Depressed Classes?—Another point is this. These people have been urging about Christian representation in the Council. I think opinion differs on that subject, but I am one of those who believe that the introduction of communal representation for Christians is not in the interest of either the Christian religion or the followers of the Christian religion.

142. There is a difference of opinion?—Yes, there is a difference of opinion. Communal representation stereotypes a religious community as a distinct section of the nation, which it is not. I know that it has introduced a great amount of bitterness as between depressed classes and caste people, and between different denominations. From my experience of the Telugu country I would certainly urge that communal representation for Christians

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should go and that they should be merged in the general electorate with reservation of seats. I think reservation of seats is really a concession to the present conditions in India. I should not like even that.

143. But you wish to keep reservation of seats?—Yes, I should like that under the present conditions.

144. Will it not be possible to get some agreed arrangement between the Christian communities as to how these seats should be allotted?—Probably we shall divide along Catholic and non-Catholic lines.

145. That is inevitable?—Yes.

146. But you could do it?—Yes, we could do it among ourselves.

147. *Mr. Thomas*: You suggested that there should be reservation of seats for Christians. Is that because you expect that a general electorate would not return any Christians?—Not because I expect, but I think I foresee that in the general electorate probably they will not get even the five seats that are now allotted. I think we have got men who may be on the top in any one constituency or other, but I do not think we will get adequate representation simply by merging ourselves in the general electorate.

148. Are you sure of one at least?—I think so. It is, however, only an opinion.

149. If there are seats reserved, of course you realise that the number of non-Christian votes would

be out of all proportion to the Christian votes?—Yes.

150. And you realise that there will be the danger of a man not supported by the community being returned by the strength of non-communal votes as against another who was supported by the community?—I quite foresee that. I think the Indian Christian Association have proposed some remedy for that. They want the community itself to put up a panel, from among whom elections will be made.

151. You want that safeguard so that a man who is not wanted by the community may not be returned by the constituency?—Yes.

152. You also realise that supposing five or six seats are allotted for the Christian community for the whole province one Christian candidate will have to canvass an area covering 3, 4 or 5 districts with a total electorate of something like 3 lakhs?—They do that now.

153. But the number of votes which a Christian candidate will have to canvass for an electoral area will be something like 3 lakhs?—Since Christians are fairly distributed all over the Presidency, certainly the local voters could be instructed and captured by the local Christian people who act on a candidate's behalf. I do not think there is much difficulty.

154. There should be a multiplicity of agents in every district?—There are people who can speak for the Christian nominees. So I do not think you can say that voters in a district may not know sufficiently to vote for a particular candidate.

**Memorandum submitted by M. R. Ry. N. SRINIVASA ACHARYA, Avl., B.A., B.L., High Court Vakil, President, All-India Varnashrama Dharma Conference (1927) and Vice-President, All-India Brahmana Mahasabha, Madras.**

Sir,

In pursuance of your notification, *re* enquiry into the Reforms, I have the honour to submit the following statement with reference to the matters notified in so far as they are concerned with orthodox Hindus.

2. The All-India Varnashrama Dharma Conference and the All-India Brahmana Mahasabha (which is but a phase of the former) are essentially spiritual and social movements of the orthodox Hindus, Brahmanas and Non-Brahmanas, who constitute the bulk of that community, aiming at their unity and advancement on the basis of their ancient religion. The current party politics is mainly run by persons saturated with notions and ambitions antagonistic to the long-cherished religious and social ideas and practices of the people at large whom they profess to represent in the Councils of the country, but whose opinions they really treat with indifference and often ruthlessly violate. The voice of the people is seldom heard in the Council when religious and social matters are sought to be legislated upon; and so appeal has to be made from time to time to the Executive Government to stay the hands of hasty and revolutionary legislations. I pray that my letter to you dated 22nd February, 1928, enclosing my communication as President of the All-India Varnashrama Dharma Conference forwarding its resolutions to His Excellency the Viceroy and Governor-General of India and His Excellency the Governor of Madras, may be read along with this statement. The Conference requests the Parliament and your Commission that "having regard to the assurances of religious neutrality given by the Queen's Proclamation of 1858 which forms the bed-rock of the constitution and the permanency of the British Indian Government, any Constitution that may be framed now, shall be made with due regard to this fundamental principle," and that you "must not leave the ancient Hindu Religion, the Varnashrama Dharma, helpless to the views of persons belonging to varying and opposing creeds and religions." Further, "the Conference strongly disapproves of the interference of the legislature in matters relating to the socio-religious discipline (Achara) of the Hindus," such as marriage.

I invite your attention prominently to the following passage in Her Majesty's Proclamation:—

"We do strictly charge and enjoin all those who may be in authority to abstain from all interference with the religious beliefs or worship of our subjects on pain of our highest displeasure." The italics are mine. The word "all" includes those who come to power under the new Constitution through election and so a provision should be made in the Statute itself for enforcing strict obedience to this injunction and making the Executive Government responsible for its being carried out.

3. In this connection I may quote the following from Lord Meston's article in the January number of "The Asiatic Review" (Page 2) on the Statutory Commission. He says, "Behind and below all the stagey manœuvres of Swaraj is a demand for developing India on their own lines. Those who make the demand are a section of Indians trained in European ways, few in number, compared to the vast ignorant masses of the population, but with a wholly disproportionate power of swaying the proletariat. Their strength lies in the support of orthodox Hinduism, which is going through a period of revolt against Western dogmas."

This is quite true and applies to all phases of the present Indian politics, for they all aim at "Swaraj," their methods only varying.

4. The masses, however, are not quite ignorant, although Western democracy is yet new to them. Every village knows something of government.

When any measure affecting their religion or social customs is brought forward, their spontaneous voices are loudly heard by government, though the press and the "elected" representative may not publish or heed them. For the rest, it is a fact that not a fair percentage of even the voters, themselves a drop in the population, yet realise the power of the vote or exercise the franchise with a consciousness of it or intend it to be felt on the representative or Government. Votes are still given as a matter of obligation, condescension and such considerations. Voters are approached only at the election and left alone thereafter. Political principles do not sway elections, which go mainly on personal grounds. There is no such thing as "the mandate" of the electorate; and the worst of the Council crises do not necessitate any "appeal to the country." The elected Council only furnishes opportunities for ambitious persons to secure office emoluments and patronage; and they hold on with Government help against the less fortunate, until obliged to go. The Council parties are divided mainly with an eye to ministries and places of power for its adherents, or to wreck the ministry or obstruct Government. Changes in the ministry or "No-Confidence" motions relate to ministers as individuals rather than to their politics. For the rest, the working of the Reforms is utterly barren of result; and Government has to help ministers to remain in their places. Naturally, therefore, the political principles of the parties in the Council change according to circumstances, from rank hostility to unconditional subservience to Government. The cries, too, of "communal representation" are made only for offices and emoluments; but democratic politics as such is not different for different communities. The events of the Madras Council during the past eight years bear out all these and even more. The race after power and the element of obstruction have ignored the concerns, the wants, and the susceptibilities of the people on whose behalf "responsible Government" is to be evolved.

5. In this state of affairs one is tempted to ask for a return to the order of things *before* the Reforms. That, however, is not to be; and the world-changes cannot be ignored in India. A foreign government over a people of diverse religions and races cannot indefinitely manage as the circus-master does his menagerie of lions, tigers, horses, cows, sheep and monkeys, making them fraternise at lunch, staring at him, and at each other within the railed cage and under the show of his whip and the loaded guns of the attendants! The function is similar, but the methods must differ. The Government must be strong, impartial, and sympathetic; but the loving co-operation of the ruled through the improvement of their material prosperity and scrupulous regard for their religious susceptibilities, must also be secured, alike in their interests and that of the rulers. The changes to be introduced in the reforms should be based upon this fundamental principle.

6. In the above review, it is brought out that responsible government through ministers in the Provinces has failed; but that "responsibility" there must be, and free from communalism, which has brought on bitterness, antagonism and all their woes in an unprecedented degree among the peace-loving people of this Presidency. The virus of communal hatred is now being inoculated even in the school-going population by certain propagandists. To secure the end indicated herein, the following changes in the present constitution are, therefore, suggested. They are briefly as follow:—

**I. PROVINCIAL GOVERNMENT.**

- (a) Dyarchy as it now exists shall go.
- (b) The Governor's cabinet shall consist only of



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[Continued.]

members, five in number—two Europeans and three Indians recruited mainly from the elected Councils. An outsider also may sometimes be desirable. The present cabinet is needlessly overmanned.

(c) If among the Europeans the civilian would give room for a non-official elected member, the result is expected to be greatly advantageous.

(d) Of the Indian Members there may be ordinarily a Brahmana, a non-Brahmana and a Muhammadan. But this need not be an inviolable rule; for only the very best men fitted by integrity, ability and statesmanship should be appointed to this responsible position of administration. In the words of a Provincial Governor, recently reported, "judges are appointed to decide cases properly and not to represent communities."

(e) The system of *ministers* has already been shown to be unsatisfactory. Moreover, the best men have not been always secured on this basis and there is no justification for a top-heavy executive without necessity or adequate return.

(f) *Responsibility* to the people may be secured by marking out the subjects upon which the decision of the Council *should be binding* on the executive. The subjects not so marked shall be only a minimum, having regard to the exigencies of the State. If the member in charge of a portfolio is not willing to carry out such a decision, he shall have option to resign, as the late Sir K. Srinivasa Aiyengar did with reference to the Madras Irrigation Bill. If the Governor in Council considers that the decision of the Council in any matter is perverse and detrimental to the interests of the country, the Council may be dissolved, the Governor recording his reasons for the same.

If Indian conditions require special treatment in any matter, it is so pre-eminently in shaping the form of responsible government. Under the ancient Hindu policy the Council or the *parishad* who decided questions on the law (*dharma*) did not look up for any office or favour and so they commanded universal reverence and obedience.

## II. THE PROVINCIAL COUNCIL.

Communal representation means denial of democracy for all time, and perpetuation of differences and promotion of bitterness and unrest in the country. However, to satisfy such demands for the time being, and at the same time to help to develop union among the people and real self-government, it is necessary to have a *bicameral system* in the Provinces also. The Chambers may be named, the "Popular Assembly" and the "House of Representatives," respectively.

(a) The "Popular Assembly" shall consist only of elected members. All communities, including the Depressed at one end and the Europeans at the other, should freely compete in the same electorate. The franchise must be based upon property, tax, or rent-qualification, however small. Universal adult suffrage is unworkable and inexpedient. The electorate shall be a rural area, preferably a revenue division of the district, each division returning one member. Electoral divisions may be constituted for large cities, like Madras. A very small number of seats may be kept to be filled up by nominations of experts for any special legislation, when necessary, and by members of the Depressed Classes in case the general electorate does not return them, and not otherwise. It is desirable that the candidate must reside or have a place of residence within his constituency. Council parties should be encouraged to eschew communalism *in toto* and crystallise on sound political principles. It should be the duty of the elected members to confer with their constituencies periodically and thereby help the growth of "informed public opinion." Such a Council will bring into existence healthy public organs of diverse creeds on broad principles and exercise a healthy influence on the public in general. It will promote

union and goodwill among the various classes of the people and towards government.

(b) To the "House of Representatives" may be credited all the virtues claimed for an *Upper Chamber* and the correction of possible wrongs to communities. "Communal," "Social," "Economic" and other particular interests may receive representation in it through special electorates. The franchise and the method of election may be the same as those for the present Legislative Council. The relationship between this and the "Popular Assembly" may be similar to that between the present Legislative Assembly and the Council of State.

(c) The members of the Cabinet shall be *ex-officio* members of both the Houses.

(d) The budget and the bills must pass in both the Councils, being first introduced in the "Popular Assembly." The Councils shall have power to alter or vary the several heads of the budgets.

(e) The power of Veto and certification of the Governor is to be retained in subjects not marked for the final decision of the Council; but they should be exercised only in cases of extreme necessity, the Governor assigning his reasons for his exercise of such powers.

(f) The oath or affirmation of allegiance by the members of the Councils shall include a declaration that they "Shall abstain from all interference with the religious beliefs or worship of any class of British subjects in India."

(g) In this scheme the points mentioned in question 4 of your notification practically do not arise.

## III. LOCAL BODIES.

It is surprising that after eight years of "popular government" the patronage of nomination to the District and Local bodies has not been given up altogether, although every party wants "Provincial Autonomy." It is, therefore, a matter of first importance to make the local bodies *absolutely* autonomous and elective, with powers to the Executive Government to interfere in the event of corruption, gross neglect or detriment to the public. The local administrative officials may *ex-officio* have a seat in these bodies. The Legislative Councils, of course, have their voice over them.

## IV. THE CENTRAL GOVERNMENT.

From the view-point of this statement, the important matter to be urged is that *Dyarchy* is absolutely untenable in the Central Government as desired in some quarters, as it might give rise to more undesirable results there than in the Provinces. In other respects the principles hereinbefore stated for Provincial Councils may *pari passu* apply to the Central Legislature. The classification of All-India and Provincial subjects, and also finance require revision in the light of past experience.

## V. COURTS AND JUDICIARY.

The poison of communalism that has of late been allowed to spread in the recruitment to this most important branch of public service should be eradicated *in toto*. Upon the integrity of the courts, the internal safety of India depends. The morbid idea that Government is run to find appointments for the members of communities and in proportion to their population should be fought out with a firm hand. In such a calculation the British proportion would be nowhere. Direct recruitment to District Judgeships is not desirable, except under extraordinary circumstances.

7. The other questions do not call for special representation from the standpoint of the bodies to which I belong. A separate statement will be submitted on "Education," when your notification is published.

8. In my communication referred to in paragraph 2

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ORTHODOX BRAHMINS.

above, it is stated that the Conference over which I had the honour to preside, in December last, contained about 1,500 delegates of orthodox Hindus, Brahman and non-Brahman from all parts of the Madras Presidency and outside, and was thoroughly and truly representative of the people. I herein give the views that I gathered in the course of the elaborate proceedings of the Conference.

9. I beg to offer myself for oral examination by the Commission. If the Commission is to hear inclined, I shall give also names and particulars of

other responsible and representative persons who would come forward as witnesses. For want of time I cannot append their list here.

10. If I be permitted, I venture to suggest that in view of the Legislatures' reticence to elect committees to co-operate with your Commission, you may require the Government to nominate a Committee of representative Indians outside, for the purpose. The Council parties and leaders do not necessarily mean the entire public opinion of India. The people in the main are very conservative, as already stated.

## MADRAS.

2nd March, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM, COLONEL LANE-FOX AND MAJOR ATTLEE), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, SIR HARI SINGH GOUR, SARDAR SHIVDEV SINGH UBEROI AND RAO BAHADUR RAJAH), AND OF THE MADRAS PROVINCIAL COMMITTEE.

### Deputation of Orthodox Brahmins.

The deputation consisted of :—

Mr. N. SRINIVASA ACHARYA, B.A., B.L., Advocate.

Dewan Bahadur V. R. KUPPUSWAMI AYYER, Avl., B.A., B.L., Retired District Judge, Mayavaram, Tanjore District.

Rao Bahadur T. M. NARASIMHA CHARLU, B.A., B.L., Advocate, formerly M.L.C., and President of the District Board, Cuddappah.

Mr. C. V. KRISHNA RAU, Landholder and formerly Municipal Chairman, Ongole, Guntur District.

Dewan Bahadur GOVINDA DOSS CHATHURBHUJA. DOSS, Merchant and formerly Sheriff of Madras.

Mr. A. SUBHA RAU, B.A., District Superintendent of Police, Triplicane, Madras.

Mr. N. SUBRAMANIA IYER, M.A., Retired Dewan Peishkar of Travancore, Mysapore, Madras.

1. *The Chairman* : We have read your document, which is an interesting one. If I follow rightly, you and your friends would be rightly described, would you not, as orthodox Brahmins?—(*Mr. Srinivasa Acharya*) Yes.

2. The first thing which you are anxious to insist on is religious freedom?—Quite so.

3. And Government abstention from all interference in religious beliefs or worship?—Yes.

4. A thing which is important for us as a constitutional conference is this. Do you think that there ought to be some statutory provision for that purpose?—Yes. (*Dewan Bahadur Kuppuswami Ayyer*) That is our object. Of course, such a neutrality is proclaimed in the Queen's Proclamation.

5. As you gentlemen appreciate, there is a difference between saying that a matter should be included in a Proclamation, where the Crown's representatives are enjoined to do this, and trying to put a provision about it into the Statute?—Yes, that is so.

6. And I gather that your suggestion is that, if possible, something should be put in the Statute? (*Mr. Srinivasa Acharya*) It must be made positive.

7. I will ask you a question about it in a minute. There is one difficulty. You say in page 343

of the Memorandum, paragraph 2, "A provision "should be made in the Statute itself for enforcing "strict obedience to this injunction," that is to say, abstaining from all interference with the religious beliefs or worship, "and making the Executive "Government responsible for its being carried out "Now I will put the difficulty, so that you may deal with it. It is no use putting words into a Statute unless people who think the Statute is being disregarded have some remedy, some means of enforcing it. Some people have tried to enact for some people that all men are equal. I dare say they are, but you do not get very much further by saying so, and the whole point is, it is no good putting a word into a Statute such as this particular provision is to be strictly observed, unless you have got some machinery—some sanction, as lawyers call it—to secure that it shall be observed, or to enable people who think it is being disregarded to make their complaint effective. Now, how do you think it should be done?—What we mean by asking for the provision is this. It should be declared that the Council or the Government shall not have power to introduce legislation affecting our religious beliefs.

8. Let us suppose that is done. I can imagine a case where some people will think that the legislation does have that effect, and others will think that it does not. For instance, there is legislation promoted by some people which would raise the marriage age, or something of that sort. Now, some people may regard that—I do not know whether they do—as a religious matter?—Many.

9. And some other people may regard it as not a religious matter, but as a social matter. Now, supposing there is dispute?—(*Mr. Subramania Iyer*) Every person entitled to be called orthodox, and every Hindu, looks upon that as a sacrament ; otherwise he is not a Hindu. I am prepared to say that every person who looks upon marriage not as a sacrament is not a Hindu, just as a Christian who does not believe in Jesus and His revelation is not a Christian.

*Sir A. P. Patro* : But the orthodox Hindus do not allow a sacrament in the case of motherhood other than the Brahmins.

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10. *The Chairman*: That is not the point, if you will allow me to say so. The point is not whether one set of people and another set of people deny and affirm it; the point is that there may be controversy on such a thing. Then who is to decide the controversy?—(*Rao Bahadur Narasimha Charlu*) Either the Governor or the Court.

11. Then that would mean, would it not, that you contemplate that if some Bill is introduced which, in the view of anybody in India, conflicts with his religious principles, not limiting the matter to orthodox Brahmins?—(*Mr. Srinivasa Acharya*) Not limited.

12. Then he is to go to the law courts?—Yes; it is the only remedy.

13. I think you face the difficulty quite fairly; but it is a difficulty, you know. Anyhow, I understand what you say, and as an illustration you tell me that in the view of this deputation they would regard any law which sought to raise the marriageable age as in conflict with their religion?—Exactly. I would go further, and say from my observation, from the number of memorials that went to the Viceroy, that the Viceroy's hands are simply being coerced by members of the Council who have no faith in their religion. That is why we ask for such a safeguard.

14. If that is so—and I am not discussing whether it is or not—it is important to discover what the safeguard is. Do you think, for instance, that a law court which might not contain any orthodox Brahmin would be a good body to decide whether or not the religion of the orthodox Brahmin was offended by some Bill or other?—(*Mr. Subramania Iyer*) We do not want an orthodox Brahmin or a Hindu orthodox judge; if he were true to the principles of justice it would be quite enough.

15. We call that a righteous judge, or an upright judge?—Yes, who would act without fear or favour on the issue before him.

16. I entirely agree with you to this extent, and you, no doubt, know many cases which have been decided, I hope rightly, certainly justly and uprightly, which involved many difficult questions of Hindu law and tradition, not always by people who were Hindus?—And in this connection may I submit that the people as a whole, as far as I have been able to observe them, have got more confidence in the judgment of the European Judges than of Hindu Judges. I am very sorry to have to say it, but I find that most of the judgments given in the High Courts which have been repugnant to the traditions, instincts and usages of the Hindu people have come not from Europeans but from social reform minded Indian Judges whose mentality is neither wholly Hindu or wholly Christian.

17. In these matters everybody is entitled to his opinion.—(*Mr. Subha Rau*) May I submit that that is not our opinion.

18. I was just going to say, I should not treat that observation as a thing which bound the deputation; but, of course, each gentleman is entitled to express his view?—Yes, certainly.

19. That is the first point, and I tell you frankly I think the difficulty of finding a machinery is the difficulty of finding one which will secure what you want.—(*Rao Bahadur Narasimha Charlu*) I venture to submit one other point, that members of the Government, whether they be ministers or executive council members, should not by their presence or speeches encourage speeches and meetings which have for their sole object the decrying and the destruction of Hindu religion. For instance, we observed ten days ago a meeting was held which was called the Self-Respect Conference, in which no less than five members of the Madras Government were present, and the cry was "Down with the idols; down with Brahmins; down with Sanscrit"; and what will the people think? That the Government do encourage such conferences, whereas their presence distinctly indicates that they encourage such speeches and conferences. There must be a provision in the

Statute that Government members should observe neutrality, whether they are elected members or appointed by Government.

20. We will not go into the detail of it, but when you say Government members, do you mean Indian members?—In the present example I have quoted, all of them were Indians.

21. Now the next point you make is on page 343, and you make a suggestion as to the executive. You propose that dyarchy should go, and that there should be a ministry of five. You think that there should be two Europeans and three Indians recruited mainly from the elected council, and "of the Indian Members there may be ordinarily a Brahmana, a non-Brahmana, and a Muhammadan. But this "need not be an inviolable rule. For, only the very "best men fitted by integrity, ability and states- "manship should be appointed to this responsible "position of administration." So long as there is an objection as to how you would pick your Indian members, you recognise, according to this document, that you could not put that into the Statute?—(*Dewan Bahadur Kuppuswami Ayyer*) The object was that there should be Europeans in the Cabinet. It is the most important item that we want to press, that unless Europeans are at the top of the administration to a certain extent, the administration is likely to go to pieces, as it has already done in many parts of this country. We Brahmins are interested in seeing that law and order are preserved properly, and unless there is a sufficient and satisfactory European element, both at the top and in the districts, we are afraid that the administration as a whole will go to pieces.

22. I do not think that is the view of all Brahmins, is it?—(*Mr. Subha Rau*) No. (*Dewan Bahadur Kuppuswami Ayyer*) At least of orthodox Brahmins. (*Mr. Krishna Rau*) One thing has to be recognised, that there has been a great deterioration in efficiency since the Reforms. (*Dewan Bahadur Kuppuswami Ayyer*) It has to be recognised. It cannot be gainsaid.

*Mr. Siva Rao*: It is because there have been no Brahmin ministers so far?

23. *The Chairman*: I should like to know on what grounds you put it. It is an opinion, and we have to listen to all things; but I would like to know one or two things about it. You have been living in this province. Do you think the roads of the province, as compared with ten years ago, have improved?—(*Rao Bahadur Narasimha Charlu*) May I say a few words? I have been in the Council for two terms, six years. I know the working of the Council. I have been chairman of the Cuddappah Municipality and I have been chairman of the District Board for eight years. My experience of local board administration extends over 25 years. I may say that my experience of the inner working of these boards is this, that after the introduction of the Reforms the working has considerably deteriorated, and I may say that we are on the backward step now during the last eight years. That is my considered opinion—that during the last eight years the working of the local board administration is going backward. There is less efficiency, less honesty and less public spirit. I say this with my experience, not merely as an onlooker. I tender that evidence, and if you want me to deal with any particular points I can do so.

24. If that is so, what do you think the deterioration is due to? What is the main cause of it?—The main cause is, we were given the Reforms rather too much; the dose is too much for the infant to feed on, and we have given this liberty of election rather too much. The result is that only people who have got a voice, who have got physical strength, get into the department; it is not the people who have got brains, who have got decency with them. The result is that because it is election, therefore the elected man has to depend upon the good will of those who elect him, and to satisfy them the person elected has to go out of his way to satisfy their needs.

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That, I submit, sir, is the real cause of the downward course. The elected man is not a free man now; he is attacked on all sides; every supporter of his comes to him and says, "Well, I put you up to the highest point of the ladder; show me some concession; appoint my friend; nominate this gentleman, nominate that gentleman," and so on. What would the poor head of a department do? He must either resign, or, if he wants power, he must satisfy his supporters; and when he satisfies these people, the result is that efficiency goes down. (Mr. Krishna Rau) I may be permitted to say a few words. I find the defect in the representative system itself. The foundation of the administration should be the village, but at the present time in this country the centre of power has been removed from the villages to the town and cities, where the elected members become irresponsible, or at all events have a tendency to act in an irresponsible fashion. The village should be made the unit of administration; village autonomy should be created first, and the centre of power removed from the towns to the village by panchayats being created in every village and being the basis of the administration. There should be complete local autonomy; the taluq should be abolished and after the village should come the district, and after the district the province.

25. I think we must keep to the lines of this document. We have heard a great deal about that from other deputations which have specially dealt with it in their Memoranda?—I was just explaining my position.

26. I do not quite understand from this document what is to be the relation between the executive and the legislature. Is the executive to be bound by the decisions of the legislature or not?—(Mr. Srinivasa Acharya)—It is to be bound to carry out the decisions of the Council; it will be bound by Statute. I may quote the analogy of the Madras Corporation, where the Commissioner is bound to carry out the resolutions of the Corporation, but he is not elected by them.

27. I think you are in favour of two Houses, are not you?—Yes, and the second chamber will provide for the representation of commercial and other interests, and if any wrong is done in one chamber it may be corrected in the second. That is the only way of reconciling people who are strong on communalism with democracy. (Mr. Subramania Iyer) The only communities to be recognised should not be based on birth, but be based on economic interests and industrial, commercial, agricultural and religious interests.

28. You say community should be recognised on the basis of religion?—It might be. I would not say that of the Hindu, because in the case of the Hindu the position is so vague. It is not an organised religion having some kind of discipline. Anybody can be a Hindu. A Catholic Christian has to conform to certain doctrines and practices, or be turned out and be no longer a Catholic. It is the same with other Christians, but with Hinduism even a man who has definitely thrown off Hinduism and adopted Christianity may pass as a Hindu. This is a great trouble to us.

29. I should like to ask you a question about that. You have been telling us about the views of the orthodox Brahmin, and how far proposals for legislation might conflict with those views. We all listen with great respect to any views sincerely held in the name of religion. I wish you would tell me what would be the view of a body like yours to a resolution which provided that all wells should be available equally to Depressed Classes and to Brahmins?—(Mr. N. Srinivasa Acharya) It does not matter at all. We should have nothing to say to it.

30. What would be your view as to what is to be done about the Depressed Classes?—(Mr. Subramania Ayyer) It is a large question. Do you mean those castes in regard to whom certain ceremonial rules of pollution now exist?

31. I do mean them?—Will you tell me what you

mean?—I understand what you mean by Depressed Classes, but tell me once more what you want to know.

32. What I want to know from this deputation is this. Is it your view that the present condition of those people is satisfactory and that there is nothing to be done except to leave things as they are, or is it your view that this is a very serious problem which has got to be dealt with by very important changes? What do you think?—I am under the belief that India as a whole is a depressed nation, and that every person who is carrying on his old traditional calling, which is not in very much demand by the people and who therefore gets low wages and less honour, is depressed in the real sense of the term. If it is meant that in certain Brahmin streets certain classes do not travel through, and do not touch certain wells, then I say there are certain social rules based upon distinctiveness between class and class which have not only religious but social and economic purposes.

33. What is the economic purpose that is served by providing that members of these classes are not to go down a particular street?—What I mean to say is that Indian society believes in distinctiveness between these occupational groups. (Deewan Bahadur Kuppaswami Ayyer) That is an individual opinion; it is not the general opinion of all of us.

34. I do not wish to trouble you unduly, gentlemen. I understand the sort of answer you are giving, and that is your answer to the question whether you think the Depressed Classes (on the general definition of which we had previously agreed; I do not mean the whole of India) are in a situation which calls for special change?—(Mr. Subramania Ayyer) It calls for change.

35. You think it does?—Certainly.

36. What sort of change?—So long as the economic situation of a country is depressed in regard to all sections of people, and added to that certain religious conventions are acting on this economic depression. (Mr. Krishna Rau) I may just be permitted to say a word about the actual conditions existing. This question of the Depressed Classes is now put as opposed to the higher classes of Brahmins and the non-Brahmins. But there are among the Depressed Classes themselves a number of sub-castes; in my part of the country there are many Depressed Classes who are known as Malas and Madigas—

37. The Chairman: We need not bother about that. That is not my question at all. I will just put one other question. Is it your view that the Depressed Classes should be represented separately from the rest of the Hindus, or is it your view that the Hindus should be represented as a whole without any distinction between the Depressed Class and other people?—(Mr. Srinivasa Acharya): I have already submitted in my Memorandum that all communities should freely compete in the same electorate. Other people must assist these Depressed Classes to compete in the general electorate, and if they are not returned in larger numbers, they must be nominated. (Diwan Bahadur Kuppaswami Ayyer) The Brahmins as a class have the least objection to their being elevated.

38. You say in your Memorandum: "A very small number of seats may be kept to be filled up" by nominations," and then you say after referring to nomination of experts for any special legislation, "and by members of the Depressed Classes in case the general electorate does not return them"?—(Mr. Srinivasa Acharya) Yes, that is only for one chamber; the upper chamber provides a separate electorate for them.

39. Lord Strathcona: Your scheme of the Government as set out at pages 343-4 means that all the subjects will be in the hands of Ministers and there will be no reserved subjects?—(Rao Bahadur Narasimha Charlu) So far as the subjects are concerned, we would allow every subject to be under members of Government except law and order, whose ultimate control must be in the hands of the Governor, and also to a certain extent in the matter of finance, if the expenditure

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proposed proves to be a wastage, the Governor may interfere; in other respects the members of the Government may have full authority.

40. *Sir A. P. Patro*: Mr. Srinivasa Acharya, you represent the orthodox Brahmin section and you believe in the righteousness of the Code of Manu, do you not?—(*Mr. Srinivasa Acharya*): I believe in the authority of the Code of Manu, sir. (*Rao Bahadur Narasimha Charlu*): Is that question permissible, sir, to ask an orthodox Brahmin whether he believes in the Code of Manu?

*The Chairman*: I do not think we need go very far into this. This deputation is a deputation of orthodox Brahmins, and it is important to know what it means by orthodoxy.

41. *Sir A. P. Patro*: Orthodox Brahmins as you are, you believe in the righteousness of the Code of Manu?—(*Mr. Srinivasa Acharya*): We would rather like that you do not use the word "righteousness."

42. You accept and follow the rules laid down in the Code of Manu. The Code of Manu which you all obey and carry out in practice lays down that the tongue of the Sudra should be cut if he reads the Vedas, and if he hears the chanting of Vedas molten lead should be poured into his ears?—(*Rao Bahadur Narasimha Charlu*) Manu also said that if a Brahmin ploughs the land, his hands shall be cut off; that is only to preserve each occupation quite distinct from the other. The object of it is that Brahmins must be learned, agriculturists must be agriculturists, the King must be a King; in that way each occupation was kept separate so that one may not overlap the other and quarrel with the other. My learned friend wants to use it as a sort of weapon against the orthodox Brahmins, and while saying that he forgets the context and everything else. (*Mr. Srinivasa Acharya*) In the present day we do not bother with all that.

43. It prescribes the punishment for a Sudra if he reads the Vedas. . . (*Diwan Bahadur Kuppuswami Ayyer*) If my friend will excuse me, I will put him another question. In the old Catholic dogma if it were considered that the world was round, people were being flayed and tormented. Are we to say that that belief is being inculcated by the Catholics to-day?

44. *Sir A. P. Patro*: That is the spirit of the orthodox Brahmins. . . (*Mr. Subba Rao*) May I submit, sir, that several non-Brahmins read the Vedas now, and no Brahmins have the courage to cut off their tongue?

*Mr. Siva Raj*: They have not got the power.

*The Chairman*: It is very interesting to listen to it, but we must pay equal attention to the question and answer. At the same time I see the sort of point you make. Do you not think, Sir A. Patro, that we had better go to specific suggestions?

45. *Sir A. P. Patro*: Mr. Srinivasa Acharya, an orthodox Brahmin as you are, the orthodox Brahmin ought not to do *paricharya*, that is any service; he ought not to be under Government service, or do any other service?—(*Mr. Srinivasa Acharya*) What bearing has it on this occasion?

46. I will come to that presently. . . (*Mr. Subramania Iyer*) We decline to answer such questions.

47. *Sir A. P. Patro*: Mr. Srinivasa Acharya, according to the orthodox Brahmin creed, *Shanti*, i.e., *Kshama*, is your Brahmana Dharma, is it not; that is, he should not do any service for wages, or be a *paricharya*; is that not the orthodox Brahmin Dharma?—(*Mr. Srinivasa Acharya*) Nowhere is it stated that Brahmins should not take up office. Only menial service is prohibited. *Paricharya* is menial service.

48. That is to say, according to your Sanatana Dharma creed, it is the Sudras who have to do menial service, is it not?—My good sir, those were written three thousand years ago for the condition of society existing then. We are talking now about political reforms.

49. But you are the president of the Sanatana

Dharma Sabha which wants to preserve all the old dharmas?—Yes, we want to preserve the dharma.

50. And perpetuate the dharma prescribed in your Dharma Shastras?—That is the object of my Association, but what has that got to do here?

51. Is there any Association called the Varnashrama Dharma Association, in Madras?—I said Varnashrama Dharma Conference.

52. When you wanted to hold a meeting in Triplicane to get the approval of the conference to place this document before the Commission, was not that meeting broken up and people protested against it, and as such the document was not accepted at any meeting?—Not for the substance contained in the document, but because they were boycotters who wanted to boycott the Commission. For that purpose they came and quarrelled, but that has nothing to do with the contents of this document.

53. On behalf of the deputation Mr. Narasimha Charlu said that after the Reforms there has been great deterioration in local self-government. Is it because Mr. Narasimha Charlu was defeated by a non-Brahmin at the district board election last year? Has the light dawned upon him only last year when he was defeated by a non-Brahmin?—(*Rao Bahadur Narasimha Charlu*) I think, sir, the question attributes motive to me for expressing an opinion. He says "Is it because you were defeated by a non-Brahmin you are now maligning the efficiency of the administration?" I do not know, sir, whether I should really answer that question. Anyhow, I do answer that question by saying that it is not on account of that. It is on account of the inefficiency, corruption and want of public spirit that I find that I said so. I can show it to you if I take you to the villages and prove by example what I have just now said; and I said so not because I was defeated. (*Mr. Srinivasa Acharya*) I simply invite the attention of Sir A. P. Patro in this connection to what the Local Self-Government Secretary said here, that 50 per cent. of the local self-government is bad; of course that is sufficient for our purpose.

*The Chairman*: I think the best thing is to treat everybody's views as being views that he holds, but not necessarily, of course, the views of the other people here. We have listened with equal patience to all, but I find that all could not agree with one another.

54. *Sir A. P. Patro*: Mr. Narasimha Charlu stood for election to the legislative council on two occasions, and on the last occasion he was defeated by a non-Brahmin?—(*Rao Bahadur Narasimha Charlu*) No; I think he was defeated by a Brahmin, Mr. Parasurama Rao.

55. Was it not Mr. Koti Reddi who defeated you?—Mr. Koti Reddi was already with me. I was the Brahmin member, and the person who succeeded me is a Brahmin, sir. My learned friend forgets it; he is in the Council and he does not know facts yet.

*Sir A. P. Patro*: I remember you were defeated both in the Legislative Council and District Board elections.

56. *Mr. Siva Rao*: Mr. Srinivasa Acharya, Rao Bahadur Narasimha Charlu told us that the local self-government was not satisfactorily working. Is that view shared by all?—(*Mr. Srinivasa Acharya*) We are almost all unanimous on that.

57. And you were referring to the evidence given here by the Local Self-Government Secretary. He said that it was mostly satisfactory, that about 50 per cent. of them were working on very satisfactory lines and that about 50 per cent. were not quite so satisfactory. Are you prepared to modify your opinion in the light of the evidence given by the Local Self-Government Secretary?—I am not prepared to modify it.

58. One of the reasons given by Rao Bahadur Narasimha Charlu as to why the Local Self-Government was not working satisfactorily was that he was not satisfied with the system of election. Is that view shared by all of you?—That is shared by all, but there is also another and more important reason, namely communal feelings.

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59. Is that view shared by all that election is not a satisfactory method of choosing representatives in the Local Self-Government departments?—We share the view that elections are not properly done.

60. Is the view that election is not a proper method of choosing representatives shared by all of you?—It is a proper method; certainly election is good.

61. Mr. Narasimha Charlu, while advocating provincial autonomy or responsible government in the provinces, wants to exempt law and order and finance. Is that opinion shared by all?—Yes, sir.

62. But you have made no mention of it in your Memorandum?—I have not; but we have discussed it afterwards.

63. You are aware that law and order have been in the hands of Indian members for about nine years now?—Indian or European does not matter. I know . . .

64. Have they not been working satisfactorily under men like Sir C. P. Ramaswami Ayyar, and so on?—I do not place it on the ground that the Indian is a failure.

65. Has it not been working satisfactorily?—The question is if it is handed over to a popular body, what would happen?

66. Therefore, they have been working satisfactorily so far?—The member in charge of the portfolio may be an Indian or a European; that would make no difference. We only object to the system which gives it away to the council or the minister, who are always actuated by communal and factious feelings.

67. So far have not the Madras Legislative Council been acquitting themselves well with regard to these subjects of law and order?—I think they have been doing very well.

68. Can you quote any instance in which the Madras Legislative Council did not support any measures for the promotion of law and order?—I cannot say definitely that it did not support any such measure; but then the subject is with the Executive Council Member and not with the Minister; that gives us all the safeguard.

69. But when those measures came up before the Legislative Council, have they not acted with sobriety and with a full sense of responsibility so far?—(Rao Bahadur Narasimha Charlu): What were the measures that came up before the council about law and order?

70. Measures regarding the Malabar Moplah rebellion, the non-Co-operation movement at Guntur and the passive resistance movement in Chirala and Perala, and a number of other question came up before the council, and do you know of any instance when the Legislative Council did not acquit itself well?—(Mr. Srinivasa Acharya) Those were not occasions on which power could have been exercised by the council; the subject was in the hands of Government members.

71. Do you insist on a European being in the Ministry or do you say it is desirable to have a European?—In my scheme there is no Ministry.

72. Do you insist on Europeans in the Executive Council?—I should like to have them so that Indians and Europeans may move on terms of equality.

73. You mean a European elected member of the Legislative Council?—Or an outsider.

74. *Diwan Bahadur Kunayasuami Reddiyar*: Mr. Narasimha Charlu, you say that you were defeated by a Brahmin in the last Council elections; was it not so?—(Rao Bahadur Narasimha Charlu) Yes.

75. Was he a man of the orthodox type or of the unorthodox type?—He was a Swarajist. In that all Liberals were drowned. The elections were not contested on orthodox or unorthodox basis. The question then was whether he was a Swarajist or non-Swarajist.

76. You know the man; you can distinguish between orthodoxy and unorthodoxy?—He was neither this nor that.

77. And the electorate chose a Brahmin who was neither this nor that?—The electorate never con-

sidered whether he was Brahmin or not. They were bent on having a Swarajist and they had him.

78. You were the president of the Cuddappah District Board for many years?—Yes, from 1919 to 1927, both inclusive.

79. So after the Reforms were introduced you were the president for seven years?—Yes.

80. Was the administration of the Cuddappah District Board efficient or inefficient during those seven years?—It was efficient during those seven years, but it has deteriorated since. I do not like to boast myself, but the question has driven me to say this.

81. The efficiency during that period was due to the gentleman presiding over the District Board?—It largely contributed.

82. And the present deterioration is due to the fact that some other gentleman is the president?—Some other gentleman who finds himself in a dilemma to help his supporters, as well as efficiency.

83. The presidentship of the Cuddappah District Board was thrown open to election very recently, that is in 1927?—Yes, very recently.

84. And the present President stood for election?—Both of us stood for election.

85. You were defeated?—Yes, by one vote.

86. Mr. Srinivasa Acharya, is it the view of the whole of your deputation that the whole of India is depressed?—One of your members stated that it is not only the depressed classes, but the whole of India is depressed. It is because the British people are ruling us?—(Mr. Srinivasa Acharya) I understood the answer to mean that the Indians as a class are economically and politically poor.

87. It is the view of the whole of your deputation?—It is not merely the individual opinion of Mr. Subramania Iyer.

88. Do you really mean to say that the orthodox Brahmins have no objection to take water from a well from which a *panchama* takes water?—I will put it the other way. We have no objection to the *panchama* taking water from any well. (Mr. Subramania Iyer): From a public well. (Mr. Srinivasa Acharya): There may be a few people who may go away without taking the water from the same well, but they may not trouble you.

89. Would an orthodox Brahmin like yourselves take water from a well which is used by the Adi-Dravidas?—Even orthodoxy does not prescribe any limits for taking water in a large reservoir. Even in a small one some people take water and some do not.

90. There are different degrees of orthodoxy?—It does not necessarily mean that. (Rao Bahadur Narasimha Charlu): Is it your point to help the Depressed Classes or is it your point to bring down the Brahmin? We are prepared to give water to the *panchama*. There is no objection. But what is the meaning of putting a question, Are you prepared to take water along with him? (Mr. Srinivasa Acharya): In the first Legislative Council of Madras there was a resolution proposed which required the Brahmin and the *panchama* to take water in the same well!

91. *The Chairman*: I want you to tell me this. Does the orthodox Brahmin, who adopts a strict orthodox creed, seriously object to take water from a pipe?—There are many who take serious objection to it.

92. Because, I suppose, the waterworks employ people of all sorts?—Yes, and also because it is a pipe.

93. *Diwan Bahadur Reddiyar*: In your Memorandum you have not said anything about the transfer of subjects to the ministers?—I have not recognised the ministerial system at all.

94. You call them members of Government?—Yes.

95. You say that subsequently to that you discussed among yourselves and came to the conclusion that Law and Order should be reserved for the control of the Governor?—There was no discussion before. Brahmins have no separate politics of their own apart from the rest of the com-

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ORTHODOX BRAHMINS.

[Continued.]

munity. I submitted my Memorandum long ago. But we had informal discussions afterwards.

99. You discussed informally with some Brahmins?—With many.

97. And you have now come to the conclusion that Law and Order should be under the control of the Governor?—Yes, in the interests of public safety and, seeing the development of anti-Brahmin movement all along, we thought it safer.

98. That is not the view of any particular body?—If ten persons call themselves a body it does not become sacrosanct.

99. Was this Memorandum placed before the All-India Brahmana Sabha?—No.

100. It was prepared by you individually?—Yes, and shown to many people. The Brahmana Sabha is not a political body and it is prevented from taking part in politics. That is why I took the views from various people and also the *matadhipathis*.

101. *Khan Bahadur Khalif-ul-Lah Sahib*: Do you say that there should be no form of responsibility at all?—No. I provided for responsibility. I say that many subjects should be within the control of the council. The Legislative Council passes resolutions and those resolutions must be carried out by the Executive Council. Is not that responsibility?

102. I am only asking your opinion of the matter?—I take into consideration the Eastern conditions and the conditions to which we have been accustomed during all these centuries. If we are not troubled with patronage in the matter of appointments and so on, our people are the best to give very sober opinions. The Chairman elicited the answer from the Government witness, as to how the Government of India managed to be successful and carry on its measures in spite of the fact that there were no ministers in the Central Government. I apply the same principle. People are quite competent to be given responsibility provided they have not got to look for patronage, and ministers have not got to look for votes for being retained in their positions.

103. You do not want any Minister to be dependent on the votes of the council? That is the sort of government which you recommend?—Yes.

104. *Mr. Narasimha Charlu*, during the non-Brahmin ministry, so long as the power of nomination of District Board Presidents was in the hands of Government, the Ministry had been standing by you, a very orthodox Brahmin, in nominating you to the Presidentship?—(*Rao Bahadur Narasimha Charlu*) There was no Ministry before the Reforms were introduced, and His Excellency when he came to Cuddappah offered the presidentship to me and I accepted it. Therefore, the beginning of my career as President of the District Board was not dependent on the Minister.

105. My question was with regard to your continuance as President. When the Reforms came in, the non-Brahmin Ministry was in power, or say the Justice party, and even when they supported an orthodox Brahmin like you and nominated you as President not only once, but more than once, in spite of the protests? Is that not a fact?—I do not know whether the nomination was entirely in the hands of the Minister. It was the Minister and the Secretary.

106. *The Chairman*: The point is that after the Reforms were introduced and during the days of the Justice Ministry there were the appointments which were in the hands of the Government, and one went to a Brahmin?—My only doubt was whether they gave it to me because I was a Brahmin or because I was efficient for the work.

107. *Khan Bahadur Khalif-ul-Lah Sahib*: When there happened to be an efficient Brahmin they did appoint the efficient Brahmin?—You put it generally. Mine was only an exception.

*The Chairman*: I cannot see how a Government says that the only people ever to be appointed to official posts are people who are drawn from a particular class.

108. *Khan Bahadur Khalif-ul-Lah Sahib*: That is my point. Has not the Council now taken a Brahmin Minister?—The Council has not taken. His Excellency has nominated one Brahmin.

109. *Sir Sankaran Nair*: You say here that in this state of affairs one is tempted to ask for the return to the order of things before the Reforms. That is really your feelings, that we must go back to the pre-Reform days?—(*Mr. Srinivasa Acharya*) Yes; if that were impossible, we suggest alternatives.

110. If that is possible we must go back, so that the Queen's proclamation that there should be no interference in religious matters, and so on, might be strictly observed?—Yes, and also that there should be no discrimination between one community and another.

111. That is the general view?—Yes.

112. Would you be prepared to accept the rulings of the head of your community in matters of religion, that is Sankaracharya for Smarthas, Ramanuja for Vaishnavites and so on? Supposing in cases of religious disputes he gives a ruling that a certain particular matter is not repugnant to the Hindu religion. Would you accept the verdict of the head of your community?—Yes.

113. And if he supports the view which may be put forward by the reformers or which may be put before the Legislative Council, then you would not object to legislation being passed?—No.

114. So you say that any change in any custom based on religion may, if necessary, be carried out with the consent of the heads of the different Maths?—The heads of Maths alone do not exhaust all the people to be consulted. All of us are not disciples of Maths. There are people with different views. Therefore, along with the heads of Maths a committee of orthodox Pandits should also be appointed in such matters.

115. If you can say that the heads of Maths may determine the question, whether a certain legislation may be passed or not, then you have a definite and clear instrument which voices your feelings; but, on the other hand, if you say that you will not accept it, it must be done by a committee of Pandits and so on, that means an indefinite body and the question will never be settled. As between the two, are you prepared to say that if the heads of Maths give a ruling, legislation may proceed and you will not dispute?—I accept it. But there may be some people who may not. (*Mr. Subramania Iyer*) Many of the Maths in India as now constituted have not got specific territorial jurisdiction, but to the extent they have, I think their opinions ought to be accepted, or rather, they may form the basis of any action when action has got to be taken.

116. *Sir Sankaran Nair*: Is that the general view?—(*Diwan Bahadur Kuppuswami Ayer*) Yes. (*Mr. Subramania Iyer*) I am able to foresee a time when, as things now go on, the Maths may be presided over by people who may themselves encourage the breach of social customs, but then there will be time for some orthodoxy to organise itself and to depose the Mathage. But till that time comes we must accept the Maths as our chief arbiters in these matters. I might also add, sir, that the only points on which all of us are agreed are that the State should not undertake social legislation, and that there should be no discrimination against any particular community entering the public Services. As for the other matters contained in the Memorandum our individual views prevail.

**Memorandum submitted by Dewan Bahadur C. V. RANGA REDDI GARU, B.A., B.L., President, Hindu Religious Endowments, Royapetta, Madras.**

Having been connected with the Local Self-governing institutions for over sixteen years, till April 1928, in fourteen of which I was President of a Taluk Board and a District Board, and having been a member of the Reformed Council from its inception till March, 1925, I may fairly claim to have some experience of the working of Local Self-governing bodies, and of the Local Legislature; and that is my excuse in venturing to submit this Memorandum before the Commission.

I shall place before the Commission my views on the following subjects:

- (i) Local Self-governing institutions,
- (ii) The Representative institutions,
- (iii) The Provincial Governments,
- (iv) The Central Government.

**I. LOCAL SELF-GOVERNING INSTITUTIONS.**

Local Boards were re-constituted in the Madras Presidency in the year 1920; Union Boards for big villages with a population of 5,000 and more; Taluk Boards for Taluk Board areas consisting of one or more taluks, and District Boards for each District. In each of these bodies, three-fourths of the members are to be elected and the rest to be nominated to give representation to the minority communities.

For the first few years after the Reforms, the Government were unable to give to the Local Boards all they expected in the way of grants, thus retarding their progress. In spite of that, civic consciousness was awakened gradually in the people. As financial conditions improved, people responsible for the work of Local Self-governing institutions have justified the policy of the grant of wider powers by Government. Since the Reforms, the interest taken by the people in these institutions has been growing to a considerable extent. From 1920 onwards, people have come to take real interest in local affairs. Even people without English education are coming forward in large numbers to take prominent part in these institutions. Some of them have done excellent work as Presidents of Local Boards, and it does redound much to their credit and public spirit. The work turned out by the Local bodies during the short time of 7 or 8 years after their re-constitution has been remarkable especially with regard to medical relief, public health and sanitation, and village communications. With regard to Elementary Education, there has been some progress, but it has not been satisfactory on account of the paucity of funds. Local bodies in the Madras Presidency form real training grounds for public men.

**FRANCHISE AND ELECTIONS.**

The franchise for voting in the Union Board is the payment of a house-tax of not less than Re.0-8-0; for the Taluk Board, payment of Land-revenue of not less than Rs. 10. For the District Board, there is no direct election. Each Taluk Board in the District elects a certain number of members to the District Board. There is no separate representation for Muhammadans or Depressed Classes, but nominations are provided to give representation to minorities. Generally, Presidents of Local Boards are elected, though in a few districts, Presidents of District Boards are nominated to give representation to minorities.

Since the Reforms, keenly contested elections have become the order of the day. High percentage of voters are going to the polling-booths, even illiterate persons taking part in the elections. In places where Brahmin and non-Brahmin feelings run high, officials take undue interest and interfere in the elections. This is a thing which ought to be deprecated, but, somehow, it has been going on unchecked. Even after elections, officials try to annoy the particular persons who are responsible for the defeat of their protégés. This is rather unfortunate, but it is inevitable for some time to come so long as the

preponderance of any community in the services is allowed to continue. I do not blame any community in particular, but the community which is largely represented in the services has a decided advantage over the others in the elections. Sometimes, even high officials take part in these elections and try to influence the voters through their subordinates. Steps should be taken to remedy the evil, but it is a difficult problem, and has to be tackled somehow. One of the remedies I would suggest is to post the District Officers of the Revenue and the Police Departments to other provinces if that is feasible. A beginning may be made in this direction by posting successful candidates of this Province in the I.C.S. Examination to other provinces, and those of other provinces to this province. People of other provinces can have no such leanings, and they might be expected to have detached views on communal matters while those of this province, whatever training they might have in foreign countries, and however long the period of such training might be, cannot be expected to act impartially in such matters on account of the communal tension prevailing at present; moreover, it will be in the interests of the candidates themselves, if they are posted to provinces other than those to which they belong by birth, in which case they would not be inconvenienced by any local ties or interests and they will be in a position to carry out their duties much more satisfactorily, without compromising their official position.

Adult suffrage for the Union and Taluk Boards, should be the goal, just as we have at present for the village panchayats. In order to attain that goal in the near future the franchise should be broadened. For the District Boards, the system existing at present may continue; or, half the members may be elected as at present by the Taluk Boards, and the other half by direct election.

I would advocate the abolition of nominations as far as possible. Seats may be reserved for the Muhammadans and Depressed Classes, who may not be able to get into local bodies through elections by the general electorate.

Even now the financial condition of the local boards is not very sound, though it has been gradually improving. The resources of the local bodies are insignificant, compared with their functions, and a way ought to be found for providing them with sufficient funds. They are responsible for education, elementary as well as secondary, medical relief, public health and sanitation, village and other communications in the District.

There is a proposal to abolish Taluk Boards. Though not for any other reason than the training of the rural population in the art of self-government, they should not be interfered with at present. In every revenue village, panchayat system should be introduced.

Mistakes might have been committed; corruption might have been practised in elections, and official interference in elections there might have been; in spite of all these, local self-government has made considerable headway in the Presidency since the Reforms.

**II. REPRESENTATIVE INSTITUTIONS.**

According to the present franchise about three per cent of the population only or about six millions are entitled to vote, and I am afraid, the percentage is too small. The franchise should be extended in such a way as to give the vote to at least thirty or forty millions. Even this should be treated only as a stepping-stone to adult franchise. The adult franchise would solve a number of problems.

Muhammadan representation and the representation of the Depressed Classes could be secured only in that way. Till then, either through special electorates if the communities concerned so will it, or by reservation of seats in general electorates, their representation



should be secured. There seems to be no special grounds why people should fight shy of special electorates. It would not be correct to say that it was on account of special electorates, the whole communal trouble has arisen in this country. One of the chief reasons for this trouble is the competition of communities for representation in services. If that is satisfactorily settled, there would not be much trouble.

The relationship between the members of the Council and their constituents is kept up by personal touch as well as by conferences held by the party organisations. In this Presidency, there are only two well-defined parties, the Justice Party and the Swarajya Party. There is, no doubt, the Liberal Party with eminent leaders as members, but it does not seem to have any hold on the masses.

I am of opinion that plural constituencies should be done away with, and single member constituencies should be introduced. As I am for abolishing the reservation of seats to non-Brahmins, there will, I believe, be no difficulty for introducing single member constituencies. The necessity for reservation of seats to non-Brahmins has disappeared. The masses have realised the value of the vote, and in them has awakened the consciousness of the power of the vote. I do recognise that even now it is possible to influence the ordinary voter to some extent by official pressure, but all the same, I expect him to exercise his vote to his advantage and to the advantage of the people generally. My remarks regarding how the official exercises undue influence over the voters in the Local Board elections applies to the Legislative Council elections also. As I have already stated above, this can only be remedied by taking steps to do away with the preponderance of a single community in the services.

Unless there is the introduction of responsibility in the legislatures, there will not be formation of parties on well defined political principles. There is no responsibility in the Central legislature, and that is the reason why all the political parties, whose common object is to secure the transfer of control from the hands of the bureaucracy to the people, have joined together to attain that object. Huge expenditure has to be incurred for the organisation of parties and till responsibility is introduced, there is no motive for incurring such expenditure.

So far as the Madras Legislative Council is concerned, from the beginning it has started on a kind of party system. Even in the first Council, the party system was not based on purely communal lines. The opposition also consisted of some non-Brahmins. In the second Council, there was a regular party system based on somewhat well defined principles. The opposition consisted of many non-Brahmins, the leader and the Deputy-leader also belonging to that Community. In the third Council there was nothing like Brahmin and non-Brahmin parties. Among the Ministerialists, there were Brahmins, and the opposition also contained Brahmins. The party system has been growing on definite principles. The principle of the non-Brahmin party, otherwise known as Justice Party, from what I understand, is, among other things, equal opportunities for all, and representation of un-represented communities in the services, etc., due regard being had to efficiency. Rural reconstruction also seems to have been one of the planks of their programme. It may also be noted that in the present Council, one of the Ministers is a Brahmin.

Public opinion has been gradually shaping itself. The people have become more articulate and have begun to assert themselves. The experience of elections to the Panchayats, to the Local Boards, and to the Legislative Councils have made them realise the value of the vote. But there is no denying the fact that the masses are still ignorant and are liable to be misled by sinister political and official influences. There is also corruption in elections. These are only passing phases, and I do not think they should

stand in the way of granting full responsible government.

Political training and popular education will follow in the wake of the introduction of responsibility in the government. The party organisations will carry their campaign into the rural areas and thus train the electorate. The Vernacular Press which is responsible even now for awakening the people in rural areas will be much more in evidence with the introduction of responsibility.

The system of nominations of officials and non-officials should, as far as possible, be done away with. Then the question as to how to secure the representation of the important minorities arises. As I have already stated, for important minorities like Muhammadans and Depressed Classes, special electorates may be provided, or seats may be reserved for them in the general electorates.

The method of securing representation for minorities by nomination has been tried and found wanting. There are so many minorities in this country, that it will not be possible to satisfy anybody except the persons nominated for the time being. This system is bad in itself, and has not been popular from the beginning.

### III. THE PROVINCIAL GOVERNMENTS.

The hybrid system of Dyarchical government was treated as a transitional constitution and was worked by the Ministers in the various provinces more or less successfully. The very nature of the constitution was such that it was found difficult to work. However much the Ministers tried to work it, they failed for no fault of their own for these among other reasons:

- (i) Administration of transferred subjects being with the Governor, acting with Ministers' advice, and not with the Ministers themselves.
- (ii) The tyranny of the Finance Department and its unnecessary interference,
- (iii) The Ministers having to work the system through the officials of the Imperial Service over whom they have no manner of control,
- (iv) The anomalous nature of the classification of subjects into reserved and transferred departments,
- (v) Want of joint deliberation between the two halves of the Government in many provinces,
- (vi) Want of collective responsibility of the Ministers as in the case of the Executive Council.

The Executive Council has corporate existence and collective responsibility, but the Ministers have no such existence and no such responsibility. With all these difficulties and draw-backs of the constitution the Ministers and the members of the Legislative Councils have tried to work the system. Whether they have succeeded or not, they have gained experience during these transitional stages on the basic principles of Government. The Ministers have fully availed themselves of the opportunities and shown themselves fit for full responsible government.

As I have already stated the party system in Provincial governments has been gradually growing, and there is no denying the fact that it has come to stay.

Under the present system of government, the powers of the Governor have been almost unlimited. As I am of opinion that responsible government on Colonial lines is the only form of government that can be given to India, no question of transferred and reserved subjects arises. No subject should be reserved, not even law and order. There can be no justification also for reserving law and order. An Indian member of the Council has been in charge of law and order in the Madras Presidency ever since the Reforms, and there seems to be no doubt that the Department has been successfully administered. Moreover the members of the Legislative Council

even under the Dyarchy have been fully alive to their responsibilities and have not shrunk from supporting the Government when that support was really needed.

The Governor shall be the *constitutional head* of the province as in the Dominions, and he shall act entirely on the advice of his Cabinet. He shall choose his Prime Minister, who, in his turn, shall select his colleagues. The Government of India Act should provide, on the lines of the Australian and South African Acts, for the establishment of the Executive Councils, the members of which shall be the King's Ministers.

The establishment of Second Chambers even in the provinces is desirable. What should be the basis of franchise for the Second Chambers is a matter of careful consideration, and it must be determined by the circumstances of each province. In some countries, they are nominated by the Ministry; in some they are chosen by electorates composed of persons holding property qualifications; and in some they are elected by the same electorate as the Lower House, but by larger constituencies and in some by the members of the various local bodies. I would prefer the latter method.

The strength of the Lower House may be about 240 or 250 and that of the Second Chamber about 80.

The division of the subjects between the Central and Local Legislatures should be clearly defined. The residuary powers should be given to the Central Legislature.

The power of the previous sanction of the Governor-General-in-Council for any Legislative measures in the provinces should be done away with. There is no great risk in this course being adopted, because the Governor-General has the power of veto as also the Crown. At present, any measure affecting the public revenues of the province cannot be introduced without the previous sanction of the Governor. That also should be done away with.

Powers should be reserved to the Provincial Councils and Central Legislatures to provide for their own parliamentary privileges and immunities.

Financial relations between the reserved and transferred side have been anything but cordial; and in all the provinces about seventy per cent of income has been spent for the reserved side, leaving only a starvation allowance of thirty per cent for the transferred departments.

#### IV. CENTRAL GOVERNMENT.

The general constitutional position of the Governor-General-in-Council, as laid down in Sec. 33 of the Government of India Act, is that the superintendence, direction and control of Civil and Military Government of India is vested in the Governor-General-in-Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State.

In the Dominions, the Crown is an integral part of the Executive Council, but not so in India. India is governed in the name of His Majesty, but the Governor-General-in-Council has only certain delegated functions, subject to the control of the Secretary of State.

The powers of the Governor-General are:—

- (i) Administrative,
- (ii) Financial,
- (iii) and Legislative.

His administrative powers relate to the appointment of persons to certain offices, and to maintenance of peace and order in the country. His financial power consists in his authority to sanction appropriation of any revenue for any purpose. His legislative powers are:—

- (i) Power of giving previous sanction for introducing some measures, affecting relations with foreign states, discipline, and maintenance of any part of His Majesty's Military and Naval forces, etc,
- (ii) Power of certification,
- (iii) Power of veto,

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- (iv) Power to promulgate ordinances,
- (v) and Power to veto bills passed by the Local Legislature.

His powers are very wide, and in a self-governing colony, these powers except the power of veto are not exercised. The Governor-General has also got under certain circumstances power to override his Executive Council, which the Governor in the Dominions cannot do. Responsibility is inconsistent with the exercise of such wide powers by the Governor-General as under the present constitution.

Time has come for granting real responsibility even in the Central Government. Responsible Government can no longer be delayed. At present, the Crown is not responsible to the Assembly. The Assembly, in spite of its elected majority cannot carry out any of its policies if the Executive Government is against it. The Legislative Assembly is supposed to be the constitutional part of the Government, but it has not got any effective voice in the administration. It has no power over half the Central expenditure, and the other half over which it has control, can be restored by the Governor-General's certification, if thrown out by it.

#### INDIAN CONSTITUTION.

There should be classification of subjects into Central and Provincial, as far as possible, following the present classification. Full responsibility should be granted in the Central Government except with regard to defence which shall be reserved to the Governor-General who shall appoint a Committee of experts in consultation with the Executive Council to advise him. The Committee shall have power to recommend a minimum of expenditure on the Defence Forces of the Indian Government, and also to report on the progress made in the Indianisation and training of these forces. The expenditure recommended by the Committee shall be voted upon by the Indian Parliament.

As regards the relationship between the Government of India and the Ruling Princes, for some time to come, it can, if so desired by the Princes, be left in the hands of the Governor-General, who shall be assisted by two non-official Indians, chosen by the Governor-General-in-Council, from among persons having administrative experience in the States or in British India.

#### INDIAN LEGISLATURE.

The constitution of India should be on the example of the constitution of Canada and Australia. There should be two houses just as at present:—

- (i) the House of Representatives,
- (ii) and the Council of State.

The House of Representatives shall consist of at least four hundred members, and shall be wholly elected. The minority communities, including Muhammadans and Depressed Classes shall have seats reserved for them, or have separate electorates, till adult suffrage is introduced. Property qualifications of the electorates should be so reduced as to give vote to at least thirty or forty millions. The strength of the Council of State should be about one hundred and fifty to two hundred. The franchise for the Council of State should be the same as at present.

India having started on the road to responsible Government, there is no half-way house between the present dyarchic system of Government and real responsible Government. Anything less will not satisfy the people. Dyarchy either in the provinces or in the Central Government is unthinkable. Legitimate aspirations of the people have been roused, and they should be satisfied. Sitting tight on National aspirations will not be in the interests of the Empire. National sentiment should be respected. It is still the wish of the bulk of the people to remain within the Empire, but, unless something is done very soon to satisfy their aspirations, it might be too late. There is already a movement for independence, and that will grow by leaps and bounds, if real responsibility is not granted.

## Memorandum on behalf of the Moplahs of the Malabar Coast submitted by Mr. MAHIMUD SCHAMNAD, M.L.C.

1. I have been waiting to see the result of the All-Parties Conference, and also sometimes attending its meetings with a view to see whether its conclusions would be agreeable. In fact, my community was very anxious to fall in line with the decisions of the Conference if they were satisfactory to a certain extent.

2. But finding the decisions of the Conference quite unacceptable and harmful, especially to the interests of our Community, chiefly those dealing with communal representation, etc., we have decided to submit this Memorandum separately. We hope the delay will be condoned and this Memorandum will be duly taken into consideration.

3. As India is a vast country with a very large population unacquainted with the representative system of Government, it is not yet time to think of adult suffrage. Though the ultimate aim should be adult suffrage, the present system, with some modifications towards widening the electorate should be continued for some time more. For instance, a property tax of Rs. 5 may be fixed as the minimum qualification of a voter to the provincial Council, and Rs. 10 to the Lower House of the Central Legislature. I am of opinion that both the Central and Provincial Legislatures should be bicameral. All those who pay a property tax of Rs. 500 or more and those who are or have been members of the Legislatures or those who are members of District Boards or municipalities shall be electors for the Upper House of the Provincial Legislatures. All those who pay a property tax of Rs. 1,000 or more and all those who are or have been members of the Central and Provincial Legislatures should be entitled to vote for the Upper House of the Central Legislature.

4. Voting must be direct throughout, except in the case of women, who may be allowed to vote by proxy or by post as in the case of the Council of State. The constituencies must be made smaller in area, while the Legislatures will have necessarily to be enlarged.

5. Important minority communities and other groups who have got special interests to protect have to be given separate electorates. Moslems, who form the largest and most important minority, having several clashing interests with the Hindu majority, certainly require separate electorates. It is wrong to think that communal tension is the outcome of separate electorates. On the other hand, communal electorates help to avoid occasions of conflict and unhealthy rivalry between the different communities. Special electorates will be necessary until the people learn to think and act nationally and cease to think communally. In the present condition of affairs, when an election takes place in a general constituency, as in the case of Local Boards, etc., in the Madras Presidency, people begin to canvass votes by appealing to the communal passion of the voters. In a special electorate there is no scope for exciting the racial or religious feeling like this. Therefore, it is quite necessary to continue the system of separate electorates in the case of Legislatures and extend it in the case of local and other representative bodies. It is not yet time to try mixed electorates with reservation of seats, as by this means the minority communities may not secure the right sort of representatives they require.

6. Indian mentality, being what it is, cannot be easily understood by a European. There are so many peculiar customs and notions in India that an ordinary European might sometimes even think that Indians are no better than savages; and an ordinary Indian might think *vice versa*.

7. Therefore, Indian needs and requirements cannot be measured by European standards. Though special electorates might look antiquated according to Western ideas, we think it otherwise and consider it an absolute necessity, at least, for the time being.

8. Proportional representation will not be sufficient properly to safeguard the interests of the minority communities. Therefore, it will be quite necessary to give the Moslems more seats than their proportional share in all the representative bodies in the provinces, in which they are in a minority. The Hindus cannot complain about this, as they, also, will be given adequate representation similarly in all the provinces in which they are in a minority. But neither Moslems nor Hindus should be reduced to a minority in any province in which they are in a majority.

9. The relationship between representatives and constituents is yet very loose and undefined, as informed public opinion has not yet developed, and consequently elections, etc., are not contested on party system. There are no organised political parties as are known in European countries. Public opinion is just beginning to be formed as mass education has not yet gone ahead. The present political agitation is only a ripple on the surface.

10. In order to give representation to Backward Classes and small minorities, and also to have official points of view represented, it is necessary to nominate officials and non-officials to the elected bodies.

11. The same reforms and legislative and administrative institutions as are obtaining in other provinces should be introduced into the North-West Frontier Province and Baluchistan. The fitness of the people of these provinces for Home Rule cannot be questioned. They are as advanced as any other people in India. Their demand for reforms is day by day becoming stronger and stronger. A resolution to grant reforms to the North-West Frontier Province was moved in the Assembly when I was also a member of that body, and carried without a division. There cannot be any objection to the introduction of reforms even in such small provinces as Coorg.

12. The distribution of provinces as they exist at present is not made on any reasonable basis. Unless they are redistributed on a linguistic basis representative institutions cannot thrive in them. For the present, Sindh and Oriya country may be separated and made into two separate Governor's provinces. Eventually Andhra and Karnataka also may be made into separate fully-developed provinces.

13. "Back to the Village" is the cry at present. I am also a believer of that slogan. There should be a small local self-governing body for each village or group of villages. Villages must be fully developed by making them the centre of all activities. In bigger villages and towns there should be municipalities, each body having one-fourth of its members nominated by the Government at the recommendation of the Collector. The Revenue Divisional Officer should be one of the nominated members. So also for each district there should be a district council, one-fourth of its members being nominated by Government, the Collector being ex-officio member.

14. Every adult person should be entitled to vote for the Village Panchayat, while for the District Board the members shall be elected by the members of the Village Panchayats. These local self-governing bodies shall look after local roads, elementary education, health, and sanitation.

15. The Head of the district should be responsible for the efficient working of these local-bodies. This is the best way to secure the co-operation of the District Heads who are at present charged only with the duty of reporting to the Government about the shortcomings of these bodies. This sort of criticism only leads to antagonism. Therefore, the District Heads must be encouraged to take some interest in the successful working of these institutions.

16. Each Provincial Government will be responsible for the welfare of its province. It shall be in charge of all the subjects and shall exercise all powers not specially reserved for the Central Government. The Provincial Government will consist of a Governor,

a ministry of four to eight ministers and a double-chamber Legislature. The ministry will be responsible to the Legislature, but will be appointed by the Governor out of those recommended by the Legislature, with a view to secure the representation of the important communities.

17. The Central Government will consist of a Governor-General, a cabinet of six or seven Executive Council Members and a Legislature consisting of a Lower House and an Upper House. Regarding the Upper House, I suppose, the suggestion of the All-Parties Conference is, perhaps, an improvement, viz., that the Provincial Legislatures may be the electorates of the Upper House or the Senate, a certain number of seats being allotted to each Province according to the population. This may be considered as an alternative to my suggestion already made. The Central Government shall be given the widest discretion to deal effectively with the subjects specially allotted to it. These subjects shall include foreign relations, defence, education, justice and order, shipping currency and credit, customs, tariffs, and income tax, railways, posts and telegraphs.

#### MOPLAHS AND THEIR EDUCATION.

18. This is a subject which I want to emphasise particularly. Under this head I wish to say all about the Moplahs. They are a virile race and a very important people on the West coast. They number about a million and a half and form nearly half of the entire Muhammadan population of the Madras Presidency.

19. Their chief defect is want of modern education. It is this defect that enabled the extreme political agitators during the terrible Malabar rebellion of 1921 to exploit their credulity and to make them take the chief part in the rebellion and bear the chief brunt, not only during the nine months they held out and the rebellion lasted, but also till to-day they are the chief sufferers. So much so the rebellion itself is known as the Moplah rebellion.

20. These Moplahs are the descendants of the Moors, who came and settled as merchants on the Malabar Coast from Egypt, Palestine and Arabia, even before the time of Solomon, as can be inferred from the Old Testament, also. After the introduction of Islam in their mother country most of these settlers here also became Moslems. In Cochin and Travancore even now there are many Jews and Christians known as Yehudi Moplahs and Nazarene Moplahs; most of the trade on the Malabar Coast is even now in their hands. There are many thriving Moplah merchants in Ceylon, Burma, Malaya and other parts of the world. They are also expert seafarers, like their ancestors, who had to fight with the Portuguese when they first came and tried to usurp their trade here.

21. Though their chief profession has been, and is even now, trade and seafaring, yet they are gradually being ousted from these professions by their more advanced neighbours on account of their backwardness in education.

22. The Government has not yet started for their education either a College or even a High School, in spite of several representations made and resolutions of important meetings and educational conferences submitted to Government. No earnest effort is made even to spread elementary education among them. It is true a special officer is appointed to supervise Moplah education, but he is not given independent jurisdiction and is placed under the District Educational Officer of Malabar. Sufficient money is not provided for Moplah education. The progress made by the Moplahs in education is so very deplorable that the All-India Moslem Educational Conference at its last session, held at Madras, during the last Christmas, had to appoint a special All-India Moplah Education Board consisting of twenty-one members including myself, to look after Moplah

education. This big community has not produced even a score of graduates, whose number at present being only about sixteen.

23. Under the circumstances we are strongly of opinion that if education is not going to be made a central subject as is suggested above, Muhammadan education, at least Moplah education, must be included among the subjects to be dealt with by the Central Government, and it should be in the portfolio of a member who deals with European education and such other reserved subjects.

24. Most of them are so very poor that their participation in the last Malabar rebellion and the several previous risings have also been attributed to their poverty and economic conditions. This is the opinion of Mr. Dance, also, who was the Collector of Malabar for several years. As the leader of the Commission appointed by the Government of India to go to the Andamans and examine the Moplah Colonisation Scheme and also the condition of the Moplahs, I have also come to the conclusion that poverty, religious fanaticism and want of education are the main causes that made them fall an easy prey to the exploitation of the agitators and led to their participation in these rebellions.

25. The only panacea for all these evils is education. But being very poor they cannot have schools of their own, and being over-jealous about religion they do not send their children to schools in which religious instructions are not given. The only High School started by themselves at Calicut, known as the Himayatul Islam High School, where instructions are imparted free is on the point of being closed for want of sufficient funds to maintain the same.

26. Therefore, it is essential in our opinion that at least one College at Calicut, or Tellicherry, and half-a-dozen High Schools at such Moplah centres as Ponnani, Malaparom, Walluvanad, Badagara, Cannanore, Kasaragod, etc., where instructions will be given cheaper and in which religion also will be taught, should be started for them.

27. To give them a start, to encourage them in the pursuit of education, and also so that there might not be any communal injustice in their case, it must be provided that a certain proportion of all new appointments must be given to competent hands among them until their number in all the services in the West Coast districts attains one-third proportion. If the Government will not do this, which is only a sheer act of justice, discontent will continue to increase.

28. All these statements I am prepared to prove and to throw further light on any subject necessary if I am called to give oral evidence.

29. I am expressing these views about the future constitution, etc., from a personal knowledge of the working of the Montford reforms from their very inception, first as a member of the 1st and 2nd Legislative Assembly and latterly as a member of the Madras Legislative Council. I know their special requirements. Being a Moplah myself I was the one person that worked and succeeded in speedily restoring peace during the Moplah rebellion of 1921 by negotiating between the Government and the people.

30. This Memorandum was passed at, and is submitted on behalf of, a very largely-attended joint meeting of the members of the South Kanara Moplah Moslem Educational Association and the members of the Moslem League and other leading Moplah gentlemen; and I am prepared to give oral evidence in support of the Memorandum. My address is: "Mahmud Schamnad, 'Sea View,' Kasaragod, South Kanara, Malabar Coast."

31. The South Kanara Moplah Moslem Educational Association has a membership of over 500 members and the Moslem League has a membership of over 150 members.

## Memorandum submitted by Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI, Kt., Ex-Minister, Madras.

I have the honour to present this Memorandum to the Indian Statutory Commission for its kind consideration while making its recommendations to the Parliament for effecting further reforms in the Constitution of British India.

2. (1-a) *The Basis of the Franchise.* The principle on which franchise is extended to the people in India, fixing the taxpaying capacity at Rs. 3 and Rs. 10 a year as the minimum qualification for electorship in the urban and rural constituencies respectively, is sound enough for the present, and may continue till, with the introduction of compulsory education all over the country, time shall come for extending franchise to all adult men and women.

3. (1-b) *Methods of Election.* While yet recognising the claims of all ratepayers with the necessary minimum qualification for registering their names in the respective electoral rolls, provision must be made to discourage the recording of "illiterate votes" by denying to give ballot papers to such voters as seek the assistance of the Polling Officer for recording their votes on grounds of illiteracy. The present system which makes it obligatory on the part of the Polling Officer to help the illiterate voter who seeks his assistance to record his vote has encouraged corrupt practices enormously, negated the virtue of secret balloting and retarded the growth of informed public opinion. It affords unlimited scope for exploitation by unscrupulous election agents who help candidates, otherwise undeserving of popular support, to oust men of sterling worth from the field, with the result that the legislatures and local self-governing bodies are commended more by men of purse than of brains. The present system, therefore, needs modification in the light of my suggestion above.

4. There are now 98 constituencies; but the number of single constituencies is only 35; of the vast bulk of plural constituencies most of them occur in the rural area. Viewed from the theoretical point of view, the plural constituencies system cannot adduce any good arguments in its favour; and from a practical point of view the arguments are all against the plurality of constituencies. It must, therefore, be replaced by single-member constituencies in order to minimise the labour and cost involved in doing electioneering propaganda. In a constituency like the Vizagapatam Non-Muhammadian Rural, which has a total electoral strength of 66,407 with two seats to be filled, a candidate seeking election has to dissipate his energy traversing the whole length and breadth of the district and trying to secure the support of a large number of voters dispersed over an unwieldy area. The situation is identically the same in the Madras City Non-Muhammadian Urban constituency which throws open four seats to be filled by 22,534 voters. The difficulties experienced may be minimised by splitting all plural-member constituencies into single-member constituencies.

5. (1-c). *Particular Interests—Landholders.* At the time when evidence was taken for drafting the Government of India Act, provision was made for giving representation to certain interests which then appeared to have a distinct claim for such representation, but they have since ceased to be such in the light of later experience. I may instance here the cases of the six Landholders, the Natukottai Nagarathar Association and the Vizagapatam and Cocanada Non-Muhammadian Urban constituencies. The Estate Landholders do not deserve any seat specially earmarked for them, as the present arrangement makes an invidious distinction between the Estate Landholders and the Ryotwari Landholders, which latter in many cases pay much larger sums to the Government as Land Revenue than the former. It must also be remembered that they do not

represent their tenants, as they are themselves included in the electoral rolls for the respective rural constituencies. They have no special interests to safeguard. There is absolutely no communion of interests among the various Zamindars who are grouped into one or other constituency. Again, in the case of five constituencies out of six, the total electoral strength varies between a maximum of 89 for the North-Central and a minimum of 47 for the South-Central constituencies, and this sets on edge the feeling of a candidate for a constituency like the Vizagapatam Non-Muhammadian Rural, which has an electoral strength of 66,407.

6. (1-c) *Particular Interests—Nagarathars.* There is again the Natukottai Nagarathars' Association constituency which has an electoral strength of 938, and which is to return one candidate. This constituency was originally a European country. Taking interest among the Indians to be formed as mass as the Natukottai Nagars gone ahead. The present here that the Nagarathars a ripple on the surface. moneylending class & representation to Backward invariably all the minorities, and also to have cy are also otherwise quented, it is necessary to r. It is, therefore, desirable to the elected body be abolished. reforms and legi'

7. (1-c) *Partitions as such—Vizagapatam and Cocanada Non-Muhammadian Urban Constituencies.* Lastly, there are two Non-Muhammadian Urban constituencies in Vizagapatam and Cocanada. They have an electoral strength of 1,929 and 1,850, respectively, and return one candidate each. The electoral strength of the other Non-Muhammadian Urban constituencies which return only one member varies between a maximum of 11,534 in Madura and a minimum of 4,643 in Tinnevely-cum-Palamcottah. The urban characteristics of Vizagapatam and Cocanada are not well-developed, and, therefore, they have no right to claim equal representation with the other cities and town groups. These two constituencies may also be abolished.

8. (1-c) *Particular Interests—General.* Thus on the whole, nine seats made up of Landholders (6), Nagarathars (1), Vizagapatam (1), and Cocanada (1) can be liberated, and these can be utilised for easing the situation in the Non-Muhammadian Rural constituencies which have to their credit a disproportionately large electoral strength.

9. (1-c) *Particular Interests—Backward and Depressed Classes.* The seats reserved for particular interests like the University, the Planters, the Chambers of Commerce, etc., and for groups like the Muhammadians and the Christians formed on a religious basis may, however, remain unaffected. With seats made available by abolishing the Landholders' constituencies, for instance, facilities can be afforded for forming fresh groups like the Backward Classes and Depressed Classes, and these latter must be made to get representation by the open door of election.

10. (1-g) *Nomination of Officials and Non-Officials.* The number of seats meant to be filled by nomination may be reduced from thirty to twenty to be distributed in such proportion between officials and non-officials as His Excellency may consider desirable, the difference being allotted to the creation of new Rural non-Muhammadian constituencies to reduce the huge numbers of the present large constituencies. There is a growing disfavour even among the nominated members of the policy of nominating non-officials to the Legislatures. They are conscious that they owe their seats to the Government, and therefore do not feel free to act conscientiously. This handicap has often been unequivocally expressed on the floor of the House by the nominated members themselves when they were face to face with political crises.

11. (3-a) *Local Self-Governing Bodies—Constitution.* As regards the local self-governing bodies,

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it is my opinion that the District Boards are functioning properly and subject to adequate control by the Provincial Government. The Taluk Boards, however, form, as it were, a fifth wheel in the stage coach. It is painful that in most cases Taluk Boards are constituted by men of third-rate abilities or of a doubtful sense of public responsibility. The Taluk Boards may be abolished and their responsibilities transferred to the District Boards. Better provision must however be made for developing a system of local self-government, which will recognise the individual village as the unit of civic administration. The attitude of the Provincial Government has been rather step-motherly in this respect. With a view to develop such local self-governing bodies, the Madras Village Panchayat Act XV of 1920 was passed, but the application of the same has been inadequate as provision has not been made for a responsible salaried field staff. I may suggest as a remedy that either provision must be made for constituting a department on analogous lines with the Co-operative Department, or the responsibility must be entrusted to the various District Boards, and these latter must be helped with substantial subsidies from the provincial funds.

12. (4-b) *Provincial Government—Working of Dyarchy.* The system of Dyarchy has worked successfully in the Madras Presidency. I make this statement from my own personal experience. I was a minister with the Madras Government and in charge of the Development Department for full three years from November 1923 to December 1926. I served in the régime of two successive Governors, for a period of five months with His Excellency Viscount Willingdon and for the rest of my term with His Excellency Viscount Goschen. Both of them had stated the principles underlying the Government of India Act and followed the instructions issued by His Majesty. The Executive Council Members and the Ministers were all imbued with the one feeling that they must make the administration a thorough success, as they fully realised that the further delegation of power depended in a large measure on the verdict as to how far the ministers had contributed to the result. So far as the ministry which was in power from 1923 to 1926 is concerned, I must say that it was a success. We were led to rejoice that we found ourselves members of a joint cabinet, generally called "The Happy Family." It must be admitted that the members and the ministers as a whole respected each other's feelings, and consulted each other even in matters which were exclusively their own concern. On all important occasions there were full discussions. As instances I may mention the discussion we had once in connection with the Mettur Project which is a reserved subject, and again in connection with the grant of State aid to the Carnatic Paper Mills, which is a transferred subject. It is not to be contended, however, that there were no differences of opinion amongst us. On the contrary, there were plenty of occasions on which we differed. In the end, however, we came to satisfactory conclusions having regard to the various aspects. In some instances the power of the four

Executive Council members as against the three ministers was felt, but it was not exercised in a spirit in which the Reserved section stood against the Transferred as such. On the contrary, such differences would have been felt even if it were a joint cabinet. Throughout, there was absolutely no spirit of unholy combination, either among the members or the ministers.

13. (4-j) *Provincial Government—Provincial Autonomy.* So far as the Madras Government is concerned we have made out a case for full responsible Government. Important subjects were assigned to the ministers and to the Indian members of the Executive Council, but neither the one nor the other showed any sign of weak administration. The Madras Government has acquitted itself honourably and demonstrated its fitness for Provincial Autonomy on Dominion Status.

14. (6-c) *Financial Relationship between the Central and Provincial Governments.* The Meston settlement is an iniquitous arrangement and must be abolished. The Central Government must reserve its control only over the defence of India from foreign aggression by air, sea or land, and the irreducible minimum of finance that may be required for maintaining such defence. The finance may be raised by a tax which the Central Government may impose on the country exclusively for the purpose on an equitable basis, taking into consideration the varying degree of liability to foreign aggression to which the different provinces are exposed. It must be made possible that the income-tax levied by the Central Government must be the sole source of revenue for the defence of India.

15. (4-k) *Provincial Finance.* The provincial revenues must be under the exclusive control of the local Government. Even here an irreducible minimum of expenditure must be fixed for preserving law and order, and the cost incurred must be reserved as nonvotable. The other items of expenditure which the Government may have to incur must be votable and subject to the control of the Legislature. Again, in the control of the provincial funds it must be so arranged that no department should get surplus income, and that no department should be exploited to find funds for deficits in other departments. Each department must be made self-supporting, and every department which earns an income must be so reconstituted as to ensure greater efficiency and serviceability to the public.

16. (10-d) *Provincial Public Services Commissions.* Provincial Public Services Commissions must be constituted of full-time salaried officials, with powers to co-opt the heads of departments wherever necessary, who will be responsible for recruitment for public services and advancement of public servants. Only then, will the public services be above the reach of nepotism.

17. 11. *Growth of Education.* My views on the policy that must govern the growth of education are embodied in the appended address which I delivered while presiding over the Tamil University Conference on 23rd January, 1926.\*

\* Not printed.

## Memorandum submitted by the Madras Landholders' Association.

The Madras Landholders' Association, representing the landed aristocracy of this Presidency, begs leave to offer you its most hearty welcome on your visit to this country charged with a most momentous task. The Association rejoices that it is afforded an opportunity to give expression to its profound loyalty and attachment to the Throne.

The Association is deeply grateful to His Majesty's Government for the declaration of policy made in

August, 1917, regarding the goal of British administration in India and it earnestly hopes that the result of the Commission's labours will help to remove the defects in the existing constitution and to hasten the attainment of the ideal set forth in the above declaration.

On behalf of the Zamindars of this Presidency the Association begs to submit herewith a few proposals in regard to the Indian Constitution,

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which, if carried, will promote the contentment of a large class of His Majesty's most loyal subjects and strengthen the bonds of union between India and England.

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## CHANGES PROPOSED IN THE INDIAN CONSTITUTION.

1. That in any Cabinet that may be constituted in Provincial Governments under the proposed reforms there shall be at least one member to represent the Zamindari interest.

2. That in view of the large stake which the Zamindars have in the country they shall be given the power to return to the Provincial Legislative Councils at least one-tenth of the total number of elected members on them.

3. That it is necessary and desirable to extend the term of the Provincial Legislatures and of the Legislative Assembly to a period of five years.

4. (a) That in the revision of the Indian Constitution provision shall be made for the creation of Second Chambers in all provinces recruited mainly from the landed aristocracy and leaders of commerce and industry and from persons of status, experience and mature judgment.

(b) That the duration of the Second Chambers shall be seven years.

(c) That all Zamindars in a province holding estates under the *Sanad-i-milkiyat-i-istimrar* and paying an annual peishcush of not less than Rs. 50,000 shall on their attaining the age of 25 become life members of the Chamber of the province.

(d) That instead of the whole Chamber coming into existence at one time and dissolving simul-

aneously there should be a provision for its partial renewal every four years.

(e) That the relations between the two Houses shall be similar to those now obtaining between the two Houses of the British Parliament.

5. (a) That the Council of State be reconstituted on lines similar to those of the Provincial Second Chambers.

(b) That Zamindars who are life members in each of the Second Chambers in the various provinces shall have the right to elect one member to the Council of State to represent their interest.

6. That, in view of the special rights and privileges which the Zamindars enjoy under the *Sanad-i-milkiyat-i-istimrar*, provision shall be made for their separate representation apart from other landholders on the Legislative Assembly and that the number of seats allotted to them on it shall be commensurate with the stake they have in the country.

7. That no legislation which will infringe or destroy the fundamental rights of Zamindars under the *Sanad-i-milkiyat-i-istimrar* shall be enacted by Provincial or Central Legislatures if a majority of the members representing their interest on such Legislatures oppose it.

8. That the recommendation of the Indian Sandhurst Committee for the augmentation of the King's Commissions in the Army and the establishment of a military college in India for the training of Indian officers be given effect to as early as possible.

(Sd.) V. G. KRISHNA YACHENDRA,

*Maharajah of Venkatagiri,*

*President, Madras Landholders' Association.*

## Memorandum submitted by the Burma Chamber of Commerce.

### INTRODUCTION.

1. As a preface to this Chamber's representations to your Commission, it is thought desirable to acquaint you with the origin and composition of this Chamber, in order that your Commission may be able to know what weight to give to the opinions which are expressed herein. The Burma Chamber of Commerce first came into being in its present form in 1877, as an Association of wholesale Merchants, Millers, Banks, and others engaged in the commerce of Burma. It has preserved that character to this day, and all the important commercial houses including the Exchange Banks, the Rangoon Port Trust, the Burma Railways Co., Ltd., the Irrawaddy Flotilla Co., Ltd., the Agents of the Steamship Companies serving Burma, and the important Rice, Oil, Mining and Timber Companies, are Members of the Burma Chamber of Commerce. The Chamber is therefore fully representative of the European commercial community of Burma.

2. It is also considered desirable to define the attitude of this Chamber towards the problems confronting your Commission. The Chamber takes a purely commercial point of view, in so far as it is possible to separate commerce from politics. Its desire is peace and good government, progressive development of Burma's resources, and an atmosphere of friendly co-operation between all the various communities in Burma, in which the normal trade and commerce of the country can be carried on without undue State interference and without discrimination in favour of any section of the people. It follows that this Chamber relies on your Commission to recommend a form of government for Burma which will content the people of the country, and which will yet contain adequate safeguards for the preservation of internal peace and for the protection of all commercial interests. It also follows that this Chamber hopes for such a distribution of the revenues arising in and from Burma that, whilst Burma, so long as she remains a Province of India, shall bear her fair share of the expenses of the Central Government, she shall be left with sufficient revenue for the orderly and efficient conduct of her internal government and for the full development of her potential resources. It is contended, as will be shown later, that for many years the distribution of the revenues of Burma, as between the Central and the Provincial Governments has been inequitable to Burma, and that in other directions Burma's relationship with India has operated adversely to the former.

### THE RELATIONS BETWEEN BURMA AND INDIA.

#### (A) *Financial.*

3. To a commercial body, the price which has to be paid for good government is of great importance, and no apology is therefore necessary for dealing first of all with the question of finance. As has already been stated, it has long been maintained that the distribution of the revenues of Burma, as between the Central and Provincial Governments, has been inequitable to Burma. There is a strong feeling that India derives from Burma a greater revenue than the services rendered to the Province warrant. The Central Government has been asked on many occasions to clear up the matter by publishing statistics to prove or disprove the accusation, but has always pleaded inability to do so.

4. The subject came into special prominence in 1925, when the Government of Burma prepared statements showing, as far as could be ascertained from the Finance and Revenue Accounts of the Government of India, and from other official sources, the Central Revenue derived from Burma and the expenses of the Central Government in and on behalf of Burma. The revenue for the year 1923-24 was Rs. 9.75 crores, and the expenditure Rs. 2.75 crores. These statements were submitted to the Central Government with a request for its agreement before their presentation to the Provincial Council, but the

request met with a refusal on the ground of difficulty in allocating to the various provinces a proper share of Home transactions and of the transactions relating to the Commercial Departments, the Military Department, overhead charges and the unproductive public debt. This ground the Burma Chamber of Commerce cannot accept as adequate, and finds it impossible to believe that, given the will to do so, the financial experts of the Government of India are unable to give the figures for which it has been asked; that they have so far failed to do so can only be construed as a tacit admission that the result of their investigations would corroborate the figures compiled by the Government of Burma.

5. The figures for 1923-24 showed a balance remaining in the hands of the Government of India of approximately Rs. 7 crores. This Chamber has compared with these figures the published accounts for 1926-27, and although the Provincial contribution of Rs. 64 lakhs has now been remitted, the accounts show that the balance has risen to over Rs. 8 crores, of which large sum only a part can rightly be considered as a fair contribution from Burma towards the amortisation of the unproductive public debt of India, and to the upkeep of military reserves.

6. Public opinion in Burma considers that a great part of this annual sum of Rs. 8 crores is being diverted by the Government of India to purposes with which Burma has little concern, and from which she derives little or no benefit. It is this belief, with other factors, which has led to the serious consideration of the question of Separation from India, and for that reason this Chamber asked your Commission, in its letter of the 19th May, 1928, either to appoint a Committee of independent financial experts to examine, as early as possible, the financial relations between India and Burma, or to request the Government of India to supply the figures, for which they have been asked, showing how the revenues derived from Burma are expended.

7. The importance of ascertaining the truth of the matter is intensified by the present unsatisfactory state of the finances of Burma. After the Great War the Local Government was successful in obtaining the transfer from the Central Funds of the Rice Control Profits, amounting to some Rs. 9 crores in 1921. Some Rs. 3½ crores of this were used to pay off borrowings which the Local Government had made from the Government of India. The balance has been expended partly in granting loans to local bodies, but for the most part in meeting expenditure in excess of normal Revenue. Every year since 1921-22 there has been a greater or less deficit in the Revenues. The greater part of the Local Government's constructive programme for the past seven years, in roads, buildings and irrigation, has been financed from the Rice Control Profits, and now that this source has been exhausted the Local Government has had to borrow from India. During the financial year 1927-28 it borrowed Rs. 75 lakhs, and this year it is borrowing Rs. 1½ crores. A very careful review of the finances of Burma, from 1921-22 to 1926-27, is contained in the Appropriation Accounts of the Government of Burma for 1926-27, pages 30 to 49, and a perusal of this review shows that Burma, which has always been far behind the rest of India in respect of communications and public works, will be compelled by financial stringency to curtail its programme of development at an early date.

8. In spite of the improvement which the Government of Burma have, by means of the Rice Control Profits, been able to effect, the country is still only in the early stage of its development. Its chief lack is communications. The country is very poorly equipped with roads, and most inadequately with railway mileage. The total area of Burma, excluding the Federated Shan States, is approximately 168,600 square miles, and she possesses, according to the latest available figures, only 1,920 miles of railway track, excluding sidings; 1,925 miles of metalled



roads, and 7,388 miles of unmetalled and unbridged roads, the very great majority of which are only village cart tracks or bridle paths. The figures for 1912, taken from a letter from the Revenue Secretary to the Government of Burma, to the Chairman of this Chamber, dated the 11th March, 1912, were 1,527 miles of railway track, 1,673 miles of metalled roads and 5,497 miles of unmetalled and unbridged roads. Thus, in sixteen years, Burma's railway track mileage has been increased by less than 400 miles, her metalled roads by 252 miles and her unmetalled and unbridged roads by 1,891 miles. The lack of roads and railways in Burma is to some extent compensated over a portion of the country by water communication, but there are large areas in which water communication is not available, and, even where it exists, it requires to be maintained, and to be supplemented by roads. Moreover, though Burma is being increasingly invaded by the water hyacinth, which is spreading extremely quickly to the detriment of its water-ways, up to a point where they cease to be navigable, the Government of Burma state they are unable, by reason of lack of funds, to undertake the eradication of the pest, or even to check its growth.

9. The stringency in the finances of Burma must also restrict its expenditure in other directions. Of these, perhaps the most important to the economic prosperity of so predominantly agricultural a country as Burma is the expenditure on the Agricultural Department. Burma's staple crop is rice, and she is gradually losing her footing in the markets which she has so far held, by reason of competition from other rice-growing countries, amongst which may be mentioned Siam, French Indo-China, Java, Spain, and Italy. This competition has led to a considerable fall in the prices obtainable for Burma rice, and the country is consequently suffering from economic depression at the present time. To restore the balance, three things are necessary, namely, an improvement in the quality of Burma rice, an increase in the yield per acre, and a decrease in the mortality of draught cattle. The Agricultural Department of the Government of Burma is doing its utmost with the funds at its disposal to effect these improvements, by means of the propagation of improved strains of paddy and the distribution of seed of these improved strains, but the veterinary assistance for the cultivator is, as yet, wholly inadequate. To effect any really general improvement such as would have an appreciable effect upon the return which Burma obtains for her exportable surplus of rice, the Agricultural Department needs more funds which the Government of Burma are not now in a position to give.

10. Enough has been said to show the extreme importance to the development and prosperity of Burma—and consequently to her internal peace and good order—of a readjustment more favourable to her of financial relations with the Central Government.

#### THE RELATIONS BETWEEN BURMA AND INDIA.

##### (B) Customs and the protection of Indian Industries.

11. Apart from the question of the expenditure of the revenue, which this Chamber, until the contrary is proved, must continue to believe operates very greatly to the advantage of India, Burma, essentially a non-manufacturing country, is compelled to participate in a protective fiscal policy from which she derives no apparent advantage. Thus, though Burma has no Steel Industry, her other industries have to pay a protective duty for the benefit of the Indian Steel Industry; Burma has no tanning industry, and whilst her Export trade in Hides and Skins is crippled by the Export Duty, she has for years appealed in vain for relief, because the duty operates to the benefit of the tanneries in Madras and the United Provinces.

12. Again, although Burma pays practically the whole of the Central revenue derived from the Rice Export Duty—and indeed, since India, if it did not

import rice from Burma, would have no exportable surplus, it may be said that Burma pays the whole amount of the revenue from this source—and although the duty falls entirely upon the producer, since competition from other rice exporting countries is so strong, Burma gains no individual advantage from this Duty, and has so far not been able to persuade the Government of India to remove it.

13. At the present time, there is before the Central Legislature a measure to reserve the Coastal Traffic of India to Indian owned vessels. The Burmese are not a sea-going race, and lack sufficient capital to run steamship lines; whatever benefit this measure, if it is ever passed into law, may confer upon Indians, it is certain that Burma will gain no advantage and it is strongly apprehended that the country would suffer serious disadvantages from this and from other restrictive measures.

#### THE RELATIONS BETWEEN BURMA AND INDIA.

##### (C) Political.

14. The cases cited above are sufficient to show how the interests of Burma are unduly subordinated to those of India. This is largely due to the ignorance concerning Burma and consequent lack of interest in her affairs prevailing among Indians on the other side of the Bay of Bengal, and against this Burma, with her insignificant representation in the Central Legislature, is unable effectively to contend. This ignorance and lack of interest is in a great measure due to the geographical position of Burma. To the inhabitants of India, Burma is a distant country across the sea, not to be thought of in the same light as even Assam. Since Burma's representation in the Central Legislature is about 3½%—5 seats out of 144 in the Assembly and 2 out of 59 in the Council of State—there is little hope of the country securing adequate attention to its interests, and no hope at all if its interests clash with those of India. The Burma Chamber of Commerce therefore regards with profound apprehension the future of Burma if left largely in the hands of an unsympathetic Indian Administration.

#### THE RELATIONS BETWEEN BURMA AND INDIA.

##### (D) Burma and India's Problems.

15. The political situation in India is complicated by various problems which do not arise in Burma. The foremost amongst these are:—(1) Hindu-Moslem discord, (2) caste and other distinctions, (3) the Indian States.

16. It is an accepted fact that the dissensions between the two great religions of India have been aggravated by the degree of self-government which has already been granted. Neither party can trust the other to use its power impartially and each is apprehensive that any further advance in self-government will lead to a disturbance of the balance of power in favour of the other. Such an atmosphere of discord and suspicion must necessarily influence the future course of India's political progress. Amongst the indigenous inhabitants of Burma there are no such religious differences, and there is no reason why they should be a factor governing Burma's political development.

17. Caste and other distinctions do not exist amongst the indigenous population of Burma, there are no marked social differences and the question of untouchability does not arise. Wealth is more evenly distributed than in India and there is much less difference between the standard of living of the rich and of the poor.

18. In Burma the proportion of literates is very much higher than in India, and there is therefore hope of developing at an earlier date than in India, an intelligent and widespread electorate. On the other hand, the standard of advanced education amongst the Burman population is lower than that in India, and there are few, if any, Burmans qualified to hold the high Government posts which, in India, are filled with some degree of distinction by highly

educated Indians. It will be seen therefore, that Burma has a peculiar problem of her own, for she has the advantage of a potential electorate more widely spread and more representative than that in most of the Indian Provinces, and she is from that point of view better fitted for the democratic form of Government which is the ultimate object of the Reforms. It is therefore necessary to devise some form of government which is representative of the people as a whole, and which at the same time will preserve efficiency in the Public Services.

19. It seems clear that in any future constitution for India, the relationship between British India and the Indian States will play an important part, and it may be presumed that any powers which may be granted to the Provincial and Central Governments will, to some extent, be circumscribed by the obligations of the British Crown to the Indian Princes. It appears likely, moreover, that the Indian States will demand some say in the regulation of such matters as currency and exchange, ports, customs and communications, by which they are more or less directly affected, and that they may expect some share in the revenues derived from such sources. The relations with the Indian States are, however, a problem entirely foreign to Burma and there seems to be no reason why they should affect her, either politically or financially.

#### THE RELATIONS BETWEEN BURMA AND INDIA.

##### (E) *The future, and the question of Separation.*

20. The peace and prosperity of the country depend largely upon the removal of the disabilities which have been set out above, namely, internal financial stringency and retarded development resulting from the diversion of the country's revenues to the Central Exchequer, enforced participation in a protective policy which does not benefit Burma at all and the subordination of her interests to those of the Indian Provinces. If your Commission can find means of removing these disabilities whilst Burma remains a part of the Indian Empire, commercial opinion, at least, will be satisfied. But in case it is not found possible, this Chamber can see no alternative but to press for the Separation of Burma from India, an alternative which a section of the Commercial Community already favours.

#### THE FUTURE CONSTITUTION OF BURMA.

21. Owing to its lack of knowledge of the inside working of the reformed Constitution and of the difficulties which have been encountered, this Chamber does not feel itself competent to express in more than very general terms its views as to the direction which further modification of the Constitution should take. This may be more suitably left to officers who have worked the Reforms in the Secretariat and seen their effects on the administration in the Districts.

22. As has already been pointed out, the social fabric of Burma is peculiarly democratic, and at the same time there is a dearth of able politicians amongst the Burman and other indigenous elements of the population. It is therefore essential that whatever the form of government that may be introduced, it should be as simple as possible, and for this reason the Burma Chamber is unable to recommend for Burma the form of Local Government which the Associated Chambers of Commerce of India and Ceylon are recommending for the Provinces of India, namely, an Executive Council and Upper and Lower Houses of Representatives.

23. The scarcity of experienced leaders among the ranks of local politicians further leads this Chamber to view with some concern the proposal to eliminate entirely from the Provincial Legislatures the official element. At least, so far as Finance is concerned, it is regarded as highly unlikely that any Burman could be found sufficiently qualified to undertake the portfolio without official assistance.

24. The Chamber also regards with dismay the suggestion put forward by the Associated Chambers

that the administration of Law and Order and Police should be handed over to Ministers responsible to the Provincial Legislatures, even with the safeguards against a breakdown of the administration by which this suggestion is qualified. The crime record of Burma is notorious and even under the present regime there is so little indication of improvement that any reduction of the British element would be fraught with danger. The Police has been a favourite subject of attack in the Provincial Council, and the position of those responsible for the preservation of Law and Order, if placed under the control of the Legislature, might be rendered untenable by personal attacks and refusal of supply.

25. The Chamber also considers it essential that the British element in the Services should not be reduced below the limits laid down by the Lee Commission, since the stability of the administration and the efficiency of the Services depend largely upon the presence and the steadying influence of this element. Those already in the Services should be encouraged to remain, and recruitment should be stimulated, by the assurance of fair treatment and of protection against unwarranted attacks in the Legislature.

26. As regards the Franchise and the qualifications for Membership of the Legislature, the Chamber has no detailed recommendations to make, but the protection of minorities and special interests by the reservation of seats as at present is considered essential, and the question of indirect election appears worthy of investigation.

#### SAFEGUARDS IN THE CONSTITUTION OF INDIA AND BURMA.

27. Whatever constitution may be introduced for India and Burma or for a separated Burma, this Chamber is unanimous with the Associated Chambers of Commerce of India and Ceylon in insisting that it must provide for a strong Central Government and for definite and adequate safeguards against discrimination in any form, on grounds of race or religion. Already Burman politicians have passed legislation (which, however, subsequently failed to receive the assent of the Governor-General in Council) of which the result would have been to restrict the immigration into Burma of the Indian labour upon which the prosperity of the country largely depends. Any measure of this description should be excluded by provisions in the Constitution. Another form of discrimination against which definite provision is essential, is the reservation to any one section of the community of the right to carry on any particular form of commercial activity, whether it be to develop minerals or to run inland steamer services or to engage in the Coastal trade, etc. Constitutional safeguards against discrimination of this nature are essential to the preservation of the credit of the country, for the argument cannot yet be put forward that Burma is able to develop her potential resources without the aid of external capital, whether it be in the way of loans or of non-indigenous companies. Yet another form of discrimination which has been attempted is the restriction of employment in Government service to Burman Buddhists. Government services must be open on equal terms to every class, race and creed of the domiciled community.

#### CONCLUSION.

28. Finally, this Chamber desires to repeat that in making these recommendations it is influenced solely by its desire for peace, prosperity and good government in Burma. It does not ask for British Commerce and any special privileges, at the same time it claims protection for the legitimate interests which its Members have built up and developed by their enterprise and capital. It hopes to see the country so developed that the greatest benefit may be derived by all from its natural resources, and the political aspirations of the people fulfilled to the utmost degree compatible with the safety of commercial interests.

## Memorandum submitted by the Association of Professional and Business Men in Burma.

1. This Association being but newly formed, some apology seems necessary for the submission of a Memorandum to your Commission. Except perhaps among the Burmese and Indian Communities, the ordinary professional or business man in Burma takes little part in the political activities of the Province, and it was only when the impending arrival of your Commission in Rangoon raised in an acute form the question of what representations were to be made to you that it was realised that the views of a not unimportant section of the community were not to be placed before you in an adequate manner, if at all. Professional and business men and other non-officials of moderate opinion were not organised and such bodies as existed were concerned solely with the presentation of the particular aspects of the case which affected their own special interests.

2. The political situation in Burma and local conditions alike differ in many important respects from those obtaining in the Provinces of India and it was felt that, unless representations were made on behalf of that section of the community which regards a Government firm in the administration of law and order as the first essential towards the peace and prosperity of the Province, there was some danger that your Commission might leave Burma under the impression that there was no opposition to the demands of professional politicians who clamour for immediate Responsible Government in the nature of Home Rule.

3. Business and professional men of moderate views and in particular members of the European community, have felt that there was a danger of their views not being adequately represented owing to the fact that the Burma Chamber of Commerce admittedly takes a purely commercial point of view, in so far as it is possible to separate commerce from politics, and to the absence of any other organisation to represent them.

4. These considerations have led to the formation of this Association with the object of laying before your Commission reasons which convince its members that, so far as Burma is concerned, the stage has not yet been reached when a political advance can be made even as far as a constitution on the lines of that now proposed for the Colony of Ceylon. The Association includes in its ranks many who, by reason of their profession, have had an opportunity of observing the working of the 1922 Reforms and the readiness of the people for a further advance.

### HISTORICAL.

5. To appreciate fully present conditions and the stage of development at which the country and its people have arrived, it first seems necessary to make a brief survey of the History of Burma during the last century.

6. In comparison with India, the British have ruled Burma for a short period only. This point is apt to be overlooked by reason of the fact that Burma is a Province of the Indian Empire. It is, however, only a recent acquisition of the Empire, and it was not until the First Burmese War in 1824 that England obtained a footing in the country. Even then only the maritime divisions of Arakan and Tenasserim were annexed and the independent kingdom of Burma was, as a whole, left untouched.

The Second Burmese War occurred in 1852, and resulted in further annexations which brought within British control the whole of what is now known as Lower Burma. Upper Burma still remained independent.

It was not until 1885 that the Third Burmese War was fought and Upper Burma annexed, but the actual pacification of the country was not completed until some years later.

7. It will be noted that each one of these three wars was brought about by the overbearing conduct of the Burmese, their total disregard for the customs,

laws and even common civilities prevailing amongst other nations, and by deliberate outrages upon the subjects of a friendly power.

8. Until little more than forty years ago a great portion of the Province was independent. Its ruler was a monarch with absolute powers, and that he made full and arbitrary use of these powers is a matter beyond dispute. Consequently, the history of the Kings of Burma is a long chronicle of palace intrigues, oppression and wanton massacre. With little intermission, this state of affairs continued until the deposition of King Thibaw in 1885, and for the present purpose and by way of example, it will be sufficient to refer to a very few incidents which occurred in the closing years of the period.

9. When Thibaw came to the throne he secured his position by a wholesale slaughter of his half brothers and other near relations. This was in 1879, and on that occasion between seventy and eighty persons were put to death. The affair was entirely in accordance with tradition and was regarded as a perfectly legitimate method of protecting the Crown.

Again, in 1884, there was a further massacre in Mandalay, when between 200 and 300 persons, including many women and children of rank, were shot or cut down. This atrocious act was due to fear of a supposed intrigue to place upon the throne the Myingun Prince and, to facilitate the matter, a pretended jail escape was staged.

10. Of insults and oppression to non-Burmans there were innumerable instances, and these ranged from ill-treatment of humble Indian dhobies to the case of a Rangoon merchant, who was compelled to go down on his knees by convict lictors whilst the Hpaung Wun, one of the leading spirits of the massacres, went by on his elephant. And when it is remembered that the Burmese had no hereditary aristocracy, that the humble cultivator of to-day might be the Court favourite of to-morrow, it becomes evident that men of the most varied origin, as soon as they became vested with authority, were responsible for acts of this kind.

The official history of this period, although brief, is distinctly illuminating. It is contained in the *Gazetteer of Upper Burma*, compiled by Sir George Scott, C.I.E.

11. Undoubtedly British Rule has altered all this, but this Rule has been bureaucratic in form and one in which the general population had no part, and whether it has yet had time to effect a profound change in the character of the Burman is open to question. With the spread of education there has grown up in a few towns a class of cultured and thinking Burmans, men who are entitled to a fair share in the responsible Government of the country. But it is the labouring classes and the cultivators who go to make up by far the larger portion of the nation.

The idea of self-government or, indeed, of any form of representative government, is entirely alien to their traditions and upbringing. And this is just as much true of the period of British occupation as it was of the earlier days of the independent kingdom. Until a very few years ago the Burman was content to leave the entire direction of affairs in the hands of his rulers; in fact, he did not even know of any other form of government.

12. It must be noted, too, that the average Burman, though not altogether illiterate, is ignorant, and the administration reports show that he is lacking in self-restraint and is of a credulous disposition. Consequently he is easily led or misled. Such being the case, the normal process of educating him politically should have been gradual and progressive.

Instead, a very considerable measure of responsible government has been thrust upon him without any real attempt having been made to prepare him for it and without any real demand for Reforms having been made.

13. In 1923 the Burma Rural Self-Government Act came into force and the District Councils created by the Act began to function. Prior to this, the only experience of the Province in self-government was the very limited one gained in the working of Municipal Committees. The Act is unquestionably admirable in its objects, although even its scope is possibly too extended as a first measure of representative government.

Certainly, until its working was fully understood and appreciated by the people of the country, no further general advance should have been made. That it is not yet a success will probably be admitted by the Local Government; and it is criticised later in this Memorandum.

14. However, the Government of India Act had in the meantime conferred a further measure of self-government upon the Province although, as far as can be judged, prematurely. The uneducated mass of the people was not ready for it. But this Association is prepared to admit that it will now be difficult, if not impossible, to withdraw the rights that have already been given; and with one or two reservations is prepared to accept the present position.

#### RURAL SELF-GOVERNMENT.

15. This is a subject upon which the Local Government itself is in the best position to speak; but there are certain facts disclosed in the Annual Reviews of the reports of the working of District Councils and of Deputy Commissioners' Local Funds which cannot escape comment. The Reviews to which detailed reference is made in this note are those for the two years 1925-26 and 1926-27. These Reviews are the latest available.

16. The Burma Rural Self-Government Act, a most important although experimental measure, provides for the establishment of District Councils with School Boards and Hospital Committees. The Councils have wide powers in regard to domestic matters such as education, public health, etc. Subordinate to District Councils are Circle Boards (which elect the District Councils) and subordinate again to the Circle Boards are Village Committees.

Circle Boards are elected by popular vote; but it appears to be a grave defect in the Act that it does not definitely lay down the business to be transacted by Circle Boards and Village Committees and merely provides that in each case they shall carry out such functions as are delegated to them by the bodies to which they are subordinate. The result is that

"decentralisation of Local Government business has not yet proceeded as far as the Circle Boards. The Circle Boards generally have themselves no functions except electing the District Council and members of Hospital Committees and drawing travelling allowance for attending meetings and could transfer no business to the Village Committees." (Paragraph 8, Review for 1925-26.)

It may be this lack of interest and consequent lack of interest in the work of Circle Boards that caused a complete disregard on the part of the public of the general election of members in 1925.

"Returns showing the total number of electors of all the constituencies are not available, but if the total electorate was in proportion to the number of electors in the contested groups of Village tracts (i.e., if the total electorate was about 1,716,000) scarcely 6 per cent. of the total electorate had the benefit of the experience of voting in the elections." (Paragraph 16, Review for 1925-26.)

Small wonder that after the elections the Local Government had to fill by nomination five hundred and seventy-five vacancies in the cases of village tracts which had failed to elect members! Another reason put forward by the Local Government to account for the lack of public interest is that "local bodies do not exercise the most effective of all

"powers for arousing interest in elections, the power of annually fixing the amount of Taxation."

17. Even after due allowance has been made for the inexperience of the new District Councils, it must be admitted that the Annual Reviews make sad reading. In 1925-26, only two of the twenty-two Councils reported on were found to have maintained "Fairly satisfactory" accounts, and affairs were very little better with School Boards and Hospital Committees.

For 1926-27 the position was somewhat worse, for none of the fifteen Councils reported upon were classified higher than "Not satisfactory," whilst out of a total of 104 District, Circle, School Board and other boards audited, only four were found "Satisfactory," fifteen "Fairly satisfactory," and the remainder were "Not satisfactory" or worse.

18. In addition, the Reviews for 1925-26 (paras. 36 and 37) and 1926-27 (paras. 6 (iii) and 46) set out an unpleasantly long list of frauds and embezzlements, including a most serious case in which the Pegu District Engineer was concerned. There are also instances of embezzlements and misappropriation of moneys by officials and of corrupt practices such as false claims for travelling allowances, substantial grants by a School Board to some of its members who were teachers, and the acceptance of high tenders for public works from untried contractors on the ground that they were Burmans and should be encouraged. To put the case no higher, these and other similar facts fully justify the reference to "general financial incompetence" made in para. 43 of the Review for 1925-26.

19. On the attitude of District Councils towards Public Health, little more is necessary than to quote two passages from the last Reviews. The following is from para. 73 of the Review for 1925-26:

"Generally it appears that little responsibility for public health is felt to rest upon the District Councils; and consequently little practical interest is shown in matters relating to public health in these reports, which sometimes dismiss the subject with a reference to the District Sanitation Report. . . . This state of affairs ought to be changed. No general and substantial improvement in public health outside the Municipal towns can be expected unless both the members of the rural local authorities and their constituents recognise and respond to the responsibility of the local authorities in respect of public health."

And one District Council even went to the extent of abolishing the District Sanitary Staff on the ground that Village Headmen and Burmese Physicians were more competent.

"The Commissioner, Mandalay Division, remarks that there was little progress in the improvement of sanitary conditions in rural areas, and the Commissioner, Sagaing Division, states that the general attitude of the public in matters of sanitation and public health are merely a reflection of the general attitude of the public in rural areas." (Review of 1926-27, para. 26).

20. In the matter of education, we again have examples of the prevailing financial incompetence in the failure to disburse teachers' salaries with regularity, although such failure was not due to want of funds. There were also cases of wide miscalculation of financial resources, and several School Boards ended the year 1925-26 with unnecessarily large balances.

21. Finally, the position with regard to Public Works is unsatisfactory, although the year 1925-26 showed a marked improvement over preceding years. At the same time, however, there was a general failure to spend the amount appropriated in the budget estimates, and eight District Councils failed to spend even the amount of the Public Works Department contribution. On the other hand,

three Councils exceeded their budget appropriations by very large amounts, but in one such case the excess was due to the fraud of the District Engineer to which reference has already been made, and, taking as a whole that portion of the Review for 1925-26 which deals with Public Works, it is clear that District Councils have no realisation of the importance of maintaining roads and communications. The Review of 1926-27 refers to the fact that the Public Works Department was unable to undertake local funds work owing to a heavy programme of their own which they had to carry out during the year. Consequently, district communication suffered still further. On the other hand, it cannot be claimed that District Engineering Staffs, where they exist, have as yet functioned with any marked success.

22. This Association is of opinion that the facts touched on above reveal a state of affairs which cannot under any circumstances be deemed satisfactory. Further, it is of the opinion that until the Rural Self-Government Act is understood and appreciated by the classes for whose benefit it was introduced, it would be folly to progress any further along the path to Self-Government. There is lacking at present amongst the lower classes all sense of co-operation, public spirit and responsibility, and, until some such feeling is acquired, no good purpose can be served by the grant of further powers to the classes concerned. Furthermore, the representatives of these classes in District Councils are men whose standard of education is not high and who, amongst other drawbacks, find it difficult to think in the sums that they have now to spend. The Association puts forward the suggestion with diffidence, but it does feel that the unit upon which an educative measure such as the one under discussion could best be imposed is the village-tract. Elected Village Committees with real responsibilities and powers and the stimulation of a competitive spirit of "pride of village," would probably achieve much within a few years.

#### MUNICIPAL ADMINISTRATION.

23. When considering the fitness of a country for a large measure of representative government, it will not be out of place to turn to the self-governing bodies like Municipal Committees for evidence on which to base our judgment.

24. The Corporation of Rangoon affords an instructive study. Its electorate has been divided up on communal lines as is to some extent the case with the Legislative Council. It has ten Burmese Representatives, five European, four Mussulman, four Hindu and two Chinese, four representatives of Public Bodies and five nominated by Government. Rangoon has had many years of experience of Municipal Elections, enough to teach, not the responsibilities of election, but every species of electoral fraud that can be practised. The most crying evils are personation and intimidation. It frequently happens that before the poll opens the candidate in control of the Hindu coolie vote (or his agent) surrounds the entrance to the polling booth with a mob of labourers who have been instructed to keep out anyone not belonging to their own particular class. They press *en masse* around the entrance, and it is with difficulty that they are prevented from overthrowing the temporary structure. The educated voter has no taste for a scramble with such a mob, and waits for hours, but in the end has to leave without voting. The coolies who flood the polling booth carry, each of them, a coloured card issued by the organization of one of the candidates saying that his name is so and so and his number on the register so and so. This is for the convenience of the tellers. It conceals the fraud by the ignorant coolie; for the name on the card is not his own. When the coolie has voted, he returns for a fresh card and repeats the process.

In the Muhammadan community the same tactics are employed as in the Hindu, and it is not too much

to say that there are two large employers of labour who can return any candidate who secures their good offices.

Burmans are frequently elected without contest by a system of mutual arrangement among the candidates, the voters taking no part in it. They seem to have little interest in the matter. The Chinese representatives are arranged by a few leaders without a contest. In the European community alone does an intelligent electorate come to the booths.

25. The result of all this is that while the actions of the European representatives are liable to criticism by their electorate, in the case of the other communities, no interest is taken. It is expected of their representatives that they consider the interests of their own community without any regard for the general good of the city. This obsession to communal interests is painfully apparent. For example, one section opposes regulations restricting building and the enforcement of sanitary rules because of their possible effect in diminishing the income of owners of property. Another will support every proposal to appoint a Burman or Indian to a post in municipal service, irrespective of his ability to discharge its duties.

In many cases the reason for certain candidates going to some trouble in contesting an election is obscure, for their attendance at meetings is irregular and their interest nil.

26. It is safe to say that were it not for the nominated and European members (allied constituency) together with representatives of public bodies on the Rangoon Corporation, there would be a rapid deterioration in the municipal administration of this city. The few able and conscientious non-European members would be in a hopeless minority.

27. As an example of glaring maladministration even in Rangoon, this Association would point to the now defunct Rangoon Co-operative Dairy Society, which was formed in 1925 with the object of securing a supply of pure milk for its members. It was for all practical purposes an offshoot of the Health Department, and its Chairman was a member and its Secretary an Officer of the Corporation. In spite of ample aid, both from Government and the Corporation itself, the Society became bankrupt and had to be wound up within little more than a year of its formation. The final report presented to the Corporation by the last Chairman of the Society and circulated on 11th May, 1926, discloses an amazing record of incompetence and dishonesty on the part of the Officials concerned and illustrates the readiness with which those holding positions of trust will subordinate their duties to their own personal interests.

28. The above has been written of Rangoon, but conditions outside Rangoon are no better. Amongst the large Municipal Committees such as Mandalay, Insein and Bassein, the administration has constantly called for Government intervention.

29. In the smaller municipalities things are so primitive that nothing more need be said than to emphasise the fact that the granting of any reforms at all to them has been premature.

30. This Association, whilst reluctant to commend the system of election on a communal basis, feels that the time is not yet ripe even for municipal administration to be based on the popular vote. It also feels that, if in a comparatively advanced city like that of Rangoon it is necessary to safeguard the municipal administration by certain reservations opposed to the principle of popular government, it would be suicidal to entrust the administration of the whole Province to a purely elective assembly.

#### THE FRANCHISE AND THE LEGISLATIVE COUNCIL.

31. Much of the criticism in this Memorandum upon Municipal Elections applies with equal force to elections held throughout the Province for the Legislative Council. In these elections, too, we have the same class of ignorant electors shepherded to the

polls for the purpose of recording votes for candidates about whose merits or policies they know little and care even less. Until there has been a great educational advance this will continue to be so and every person of any experience of the Province must admit it.

32. As the franchise now stands all that is required for qualification in urban constituencies is residence and the possession of immovable property of the value of Rs 200 or the payment of Municipal or other taxes amounting to Rs 4 per annum or the occupation of a house or building of the annual rental value of Rs 60, irrespective of the fact whether the rent is paid by the elector himself or his employer. In the rural constituencies the position is analogous, and from a study of these qualifications it immediately becomes evident that the majority of the electorate must be members of the lower orders, whose knowledge of even the first principles of representative government is nil. As a result, we have in the Indian constituencies the mass voting of coolies acting solely upon the instructions of their maistries and employers; and in the Burmese constituencies we have similar mass voting or abstention from voting carried out at the instigation of *hpongyis* whose influence upon the ignorant classes cannot be over-estimated. And generally speaking, if pressure of some kind is not brought to bear upon the electors, most of them would undoubtedly view the elections with an apathetic indifference.

33. That the masses must be taught to realise the importance of the franchise and to appreciate it is admitted; but it would have been better if, in the first instance, this education had been confined to elections for purely local bodies. Good or evil administration in village matters would bring home to voters with much more force the effect of their voting than would some legislative enactment which emanates from Rangoon and which is not directly linked up in the minds of electors with any act of their own.

34. It follows from the foregoing that many of the elected members of the Legislative Council cannot claim to be, in the real sense of the word, representative. If they represent anything at all it is only the small party clique to which they belong and the supporters of that clique who happen to control certain unintelligent sections of the community. The professional politician who makes it his business to secure this kind of support is in considerable strength in the Council to the exclusion of better men, who do not, or cannot, avail themselves of the same methods. It must be confessed, too, that the average member of the Council is not a man of striking ability. Often he is a junior advocate or pleader in poor practice or a man who has made no particular mark in some other walk of life. He enters the Council for the purpose of getting what he can out of it more than from any real desire to further the needs of his countrymen. And experience shows that in practice it is from the ranks of such men that Ministerial appointments have to be made.

35. And here it is convenient to refer to the allegation that in Burma there is not the communal antagonism which exists in India. This is not entirely correct for we have the frequently reiterated cry, "Burma for the Burmans." This comes, in great part, from the type of member to whom reference has just been made.

In theory, at all events, any elected member of the Council is entitled to hold office as a Minister, but in Burma a very definite line of distinction has been drawn, and certain appointments can only be explained on the ground that the claims of non-Burmans have been deliberately ignored. This Association is prepared to accept the position that it may be impracticable to nominate a European member to a Ministerial post, but it considers that the exclusion of members of other communities merely because they happen to be non-Burman is unjustifiable. Efficiency has been sacrificed to expediency, and it is extremely doubtful if this

policy of exclusion of non-Burmans will have any effect other than to antagonise communities and to confirm Burmans in the belief that they alone are entitled to office irrespective of merit.

And it may be added that this policy of exclusion of non-Burmans is not confined to political posts alone but has in recent years been applied to appointments in Government Service generally, with detrimental effect to efficiency as a whole.

36. The view of this Association is that the existing electoral qualifications are ridiculously low and if altered in no other respect should, at least, have added to them some further qualifications of an educational nature which will ensure a reasonably intelligent electorate. The Association further feels that it is regrettable that the Whyte Committee did not adopt the recommendations of the majority of responsible Government Officials to whom a questionnaire was addressed in the year 1921 and who were in favour of some measure of literacy as an electoral qualification.

#### CRIME AND THE ADMINISTRATION OF JUSTICE.

37. Burma's reputation as the most criminal Province in the Empire is now notorious, and the latest Reports of the Government on Police Administration and the Administration of Criminal Justice show little subsidence of the wave of lawlessness which swept the country in the years immediately succeeding the War. Returns show that in 1926 the total number of criminal cases brought before the Courts reached the stupendous figure of 134,109, which means that one person in every hundred in Burma was brought before the Courts on a Criminal charge.

38. The figures for crimes with violence are a particularly disturbing feature of the reports. In 1926 the number of cases of murder classified by the police as true, was 867. In 1927 the figure was 825, and the Tharrawaddy district, with an area of some 2,863 square miles and a population of less than half a million, had more than half the number of cases in the whole of England and Scotland. This Association considers it worthy of remark that the lives of Europeans seem no longer to be safe from murderous attack, and, following a particularly brutal murder of a European and an Anglo-Indian lady on the outskirts of Rangoon in 1926, which the police seemed utterly unable to clear up, there were four murders of Europeans in the Province during the year 1927.

Of other crimes of violence dealt with by the police in the year 1927, the most numerous were dacoities and robberies which totalled, including attempts, 443 and 264 cases respectively, figures which showed a gratifying decrease from those of the two preceding years.

39. Of crimes unattended with violence by far the most numerous of the cases dealt with by the Courts were charges of theft, cheating and criminal breach of trust. The figures under these three heads for the year 1927 totalled 16,480, which seems to point to a regrettably low standard of honesty among the population as a whole. This Association is reluctantly compelled to agree with the views of the District Superintendent of Police, Thaton, who has reported that the lower grades of society are encouraged to be criminal by the absolute lawlessness of many rich and influential persons, who habitually break laws and commit offences of a type non-cognizable by the police.

40. This Association would regard the foregoing statistics of crime with less apprehension if the administration of justice proved to be more efficient and a proper proportion of offenders met with their deserts. Unfortunately the converse is the case, particularly where the crime committed is one of murder. Returns show that the odds are strongly in favour of any given murderer escaping with his life and that only some thirty per cent of the cases of murder investigated by the Police and classed as true end in convictions. Of these a further fifty per cent.

eventually escape the death penalty for one reason or another. Various causes contribute to the paucity of convictions, the chief being, in the opinion of this Association (1) a reluctance on the part of Courts to convict on capital charges, (2) reluctance on the part of witnesses to come forward and give evidence, (3) provisions in the Code of Criminal Procedure by the Indian Legislature hampering the work of the Police, (4) the haphazard appointment of Government prosecutors with less regard to their ability than to their nationality and race, (5) the prevalence of corruption amongst the subordinate officers of the Police, the Judicial Service, and the Magistracy. The reluctance on the part of the populace as a whole to render assistance to the Police is particularly a matter of regret, and has recently been exemplified in the case of the conspiracy in the Shwebo District to overthrow the British Government, where the disturbance lasted some months longer than it should have done owing to the villagers harbouring absconders and refusing to assist in the restoration of order. A further recent example occurred in the Meiktila district, where a notorious outlaw remained at large for eight months, during which period he committed no less than six murders. His final arrest was followed by an attempt on the part of a section of the public and the press to turn him into a national hero.

41. This Association is convinced that until public opinion is more active in support of law and order any extension of popular Government or any measures tending to a loss of efficiency in the Police and the Administration of Justice will only result in a further wave of criminality, not only detrimental to the prosperity of the Province as a whole, but even endangering the ordinary safeguards to life and property for which every Government is responsible.

#### PUBLIC FUNDS.

42. This is a subject intimately connected with the working of every department of the Administration, whether local, provincial or central, and an endeavour will be made to show how far subordinate officials appreciate the necessity of conforming to a normal standard of integrity and the duty of keeping proper accounts of whatever fund they may be administering.

43. The following observations are taken from the Annual Report on the working of the Local Fund Audit Department in Burma for the year 1926-27.

"Serious defects and irregularities are brought out in audit notes year by year. No proper attention is paid to audit objections. Replies by Local Secretaries seem to have been accepted by the Chief Executive Officers of the Fund concerned without any attempt to verify the accuracy of the replies. Fund Officers are not inclined to take action when a case of fraud or loss of revenue is reported. The necessary deterrent action is not taken."

Here the remarks of one of the Judges of the High Court in the Pegu latente case may not be out of place. His Lordship's observations were to this effect:—

"The sentences were undoubtedly severe, but in view of the fraud committed, involving large sums of public money, an exemplary punishment was called for. It was not long ago that reforms were introduced in Burma and steps taken to teach the people Self-Government. Cases of corruption when detected should be firmly put down."

44. The report also discloses that the accounts work of a Fund Office was generally brought up-to-date during audit, but with the conclusion of audit and departure of the auditor from the station the office relapsed once more into its normal state and all the account books were left to fall out of date, posting transactions being kept over till the next audit intimation was received. In some places,

several registers had to be posted by the auditors before commencing audit.

This indicates that responsible officers are not alive to the obligations which their office entails and until such time as they are sufficiently educated to realise these obligations no improvement can be expected.

45. Under the heading of General Observations it is reported that administrators of funds take no notice of financial and other irregularities brought to their notice. They imagine the auditor is only retained to find fault. They do not realise that poor collection of revenue, irregular and excess payments due to their slackness, affect the finances of the funds with which they are connected and thereby reduce the efficiency of the services to be rendered to the taxpayer by that fund, the ultimate result being an increase of taxation generally which would be avoided if local administrators took an interest in their duties and were competent to perform them properly.

46. Under the heading of Concluding Remarks the Government Audit Department indicate that, under the present system, local finances are in a very unsatisfactory state.

The general local idea appears to be that if an official holds an honorary office, he is not responsible for any loss that may be incurred through his inefficiency or neglect of duty.

47. A large proportion of the funds audited have the classification "unsatisfactory" or "very unsatisfactory" against the general state of their accounts. This means serious irregularities, misappropriations, embezzlements and frauds.

48. Before leaving this topic this Association desires to refer to the result of an action of the Government in 1924 when, pursuant to a resolution of the Legislative Council but against expert advice, it endeavoured to bolster up a Spinning and Weaving Company with Burmese Capital and Management by granting it a loan of Rs15,00,000 at six per cent. interest. The loan was guaranteed to the extent of Rs. 7½ lakhs by the Directors of the Company.

At the time of the loan the Company's accounts showed that the business was being run at a loss and the whole of the Rs15,00,000 was required to pay off an existing mortgage on the Company's assets. The business continued to be run at a loss and the proceedings of the Legislative Council of 14th February, 1927, disclose that the Company was no longer able to carry on or meet the interest on Government's loan. The proposal was made and carried that Government should take over the Company's properties in full satisfaction of the 10½ lakhs then due for principal and interest and that (despite the objections of the Accountant-General that the proposal offended against elementary canons of financial propriety) the guarantors should be relieved of all personal liability.

The Audit reports do not disclose the further losses incurred, but eventually Government had to sell the Company's assets, suffering a heavy loss in doing so. Finance of this kind can hardly be justified even on the ground that it meets with the approval of a large section of the Legislative Council.

49. From the foregoing it is in the opinion of this Association obvious that, until such time as the Burman is educated up to a sense of his obligations and duties in a position of public responsibility, and is capable of carrying out the duties entrusted to him, any additional responsibility would only result in an aggravation of the present unsatisfactory state of local finances.

#### SEPARATION FROM INDIA.

50. There is a strong feeling in this Province that it should be separated from India and a large majority of members of this Association favours this view. The financial aspect of the case has been fully dealt with in the Memorandum submitted to your Commission by the Burma Chamber of Commerce and this Association desires to associate itself in general with

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the views on this topic therein expressed. It is possible that the demand for separation would be satisfied if the financial adjustment deemed by Burma to be fair were carried out and if, in addition, ample safeguards were found to protect Burma from Acts of the Indian Legislature unfairly discriminating against her. This Association further suggests that, in view of the reluctance of the Central Government to agree with the Local Government the expenditure of the Central Government in or on behalf of Burma, as a preliminary measure a special commission should be set up for the purpose of investigating the financial relations between this Province and India.

## CONCLUSION.

51. In the foregoing notes this Association has touched upon some of the questions calling for serious consideration when the subject of the fitness or otherwise of this Province for responsible Government is studied. This Memorandum is not by any means exhaustive and only incidental references have been made to such important subjects as Education, the Provincial and subordinate Government services, the working of Municipalities other than Rangoon, and the Co-operative movement. Of the last it may be as well to remark that it has arrived at such an unsatisfactory state that a Committee has now been appointed to go into the whole question.

52. If it is at all feasible, this Association suggests that you should visit some group or groups of villages at a distance of twenty to thirty miles from Rangoon and in each village examine six or seven members of the electoral class chosen by you more or less at random. Such examination will give a truer impression

of the mind of the people than would any lengthy examination of witnesses in Rangoon.

It is also strongly felt by this Association, for reasons that must be obvious, that opinions of greater value would be obtained from witnesses, both official and non-official, if those who desired it could be examined by your Commission alone and in camera.

53. Finally this Association feels strongly that the grant of full responsible government to any country or province must be preceded by the establishment of an educated public opinion, which in a flexible constitution, is the only real safeguard against the commission of acts and alterations in the constitution contrary to principles of good sense.

That such an educated public opinion does not exist among the indigenous population of Burma is a fact which cannot be questioned, and the manner in which the degree of self-government already granted has been abused shows that even these reforms are in advance of what the people of the country are at present capable of efficiently administering. In the words of one responsible officer of the Police, "The new wine of Western Civilisation is showing a tendency to burst its old bottles of Eastern make, and much red wine will be spilt before Burma has the ordered civilisation and high educational standards of England."

A healthy educated public opinion must be cultivated and the people taught to realise the privileges and obligations of citizenship. Progress towards self-government should be regulated by the progress made towards the realisation of these privileges and responsibilities, and until such realisation is attained by the majority of the population any substantial advance towards full responsible government can only result in disaster to the country and its people.

## RANGOON.

4th February, 1929.

Morning.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND),  
AND OF THE BURMA PROVINCIAL COMMITTEE.

### Deputation from the Burma Chamber of Commerce, and Deputation from the Burma Association of Professional and Business Men.

The deputations consisted of :—

The Burma Chamber of Commerce :

Mr. W. T. HOWISON (Chairman).  
Mr. B. P. CRISTALL (Secretary).  
Mr. M. JOAKIM, M.L.C.  
Mr. F. WROUGHTON (Spokesman).  
Mr. H. PONSFORD.  
Mr. A. P. BAXTER.

The Burma Association of Professional and Business  
Men :

Mr. W. A. DAWN (Spokesman).  
Mr. A. J. DARWOOD.  
Mr. E. C. V. FOUCAR.  
Mr. ALLAN MURRAY.  
Mr. C. N. PAGET (Secretary).

1. *The Chairman* : As regards the memoranda, I will start, if I may, with the Burma Chamber of Commerce, and see whether I have got the main points right, Mr. Wroughton. You first, I notice, call attention to the state of the account, as it were, between Burma and the Central Government of India, and make the point on the figures that it would appear that the Burmese contribution to Central revenues is greater than the financial benefit which Burma receives ?—(Mr. Wroughton) That is so.

2. It is in your paragraph 46, I notice. You work out figures which would suggest a very considerable balance in favour of Burma. Of course, you gentlemen will have in mind that before one could really strike a true balance, looking at it from the strictly business point of view, one would have to bring in whatever is the proper amount to allocate to Burma



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for a large range of general and overhead charges?—Yes.

3. For instance, Burma has the benefit, whatever you may measure it at, of the military organisation of the Government of India. It has all the service which is centralised—services, I mean, such as audit, currency, credit, exchange, everything which goes with being associated with a great central Power; and those are very difficult things, I imagine, even for business men to put down in crores. Again, one must remember that the frontier police is, as far as it serves on the frontier, borne on Central revenues. There are a number of elements of that sort. You may be sure that we have gone into these things as well as we could with the help of some official evidence, both evidence that was given in open conference and also in some confidential discussion. What I wanted to ask you was this: Is it the view of your Chamber that after making whatever may be the proper allowance for that, you still think that looking at it as a matter of finance, Burma gives more than it gets?—Yes.

4. That is naturally a matter which we are all much concerned to pursue. You will appreciate that we should not be able to deal with it in detail here very usefully, especially after the official evidence, which is very striking, because we should also have to hear the Government of India's view?—Yes.

5. I will leave that. Then the second point which you make, which is also of a financial kind, which runs from paragraph 7 to paragraph 10, is this. You say that Burma, after a struggle, got for itself the rice control profits, very substantial sums, I believe about nine crores?—Yes.

6. Then you take the point, as I follow, that Burma has been using those rice control profits, which represented an accumulated reserve, as it were to meet a number of expenses, with the result that they have to a large extent now been used up, and indeed, Burma is now in a position where she has to raise a loan?—Yes.

7. And that she would not be in even as good a position as she is now if she had not had that big windfall at an early stage?—That is so.

8. You must amplify, and, still more important, correct me if you do not think I have understood your document as you think it should be understood. Then there are some most striking figures in your document about the very limited extent to which this very great country at present has got the facilities of good communications. I will just call the attention of the Conference to that. The figures are very remarkable. Look at para. 8 of the Burma Chamber of Commerce document. It gives the total area, which is enormous. It has 1,920 miles of railway track, including sidings, and 1,925 miles of metalled roads—almost exactly the same mileage. It is extraordinary in a country as big as this. Tell me this, if you would. Do the metalled roads to a large extent connect the same centres as the railway? Do they run up the same valley? I should think they did, looking at the map.—I could not say exactly. The new trunk road which is being put through the country follows very much the line of the railway; the old metalled roads run down to the rivers, and there are very few of those.

9. A thing which strikes one very much in Burma, and also, I may say, in India, is the development of public motor transport along the metalled roads. If the motor transport is running along metalled roads which are more or less an alternative to the railway, it does not look as though the railway is going to gain by it?—I believe the railway at the present time is complaining of the competition of buses along the roads.

10. We have heard something about this in England lately, of course. Still more remarkable, just below that there is the statement you make that in 1912 the railway track was about 400 miles less, and the metalled roads were about 250 miles less; so that apparently in the interval between 1912 and to-day

you have only had an extension of metalled roads of about 252 miles?—There are very few metalled roads in the country.

11. Those that there are, as far as I have seen them, are extremely good, just outside here. And your point, I take it, is that if that is the position there must be in the near future, or there ought to be, a very substantial outlay on communications, and therefore it is the more important that Burma's finances should not be so dealt with as to starve the country?—Yes.

12. Then you next take a point which is particularly important as coming from you. It begins at paragraph 11. I gather your view is that the position of Burma, as a place of trade, differs so much from the position of other parts of British India that the fiscal policy which is thought to be best for British India as a whole does not suit Burma?—Yes.

13. Is that a widely held view, do you think, among the business communities here?—Yes, I think it is generally held.

14. The instances, of course, we have heard many times; the instance of the tariff on steel, for example, because a good deal of steel is needed here in connection with oil companies?—Yes, and buildings and bridges.

15. Is it your view that if Burma decided its own fiscal policy, it would not keep such a tariff on imported steel?—I do not think Burma would object to the tariff if the tariff came into our own revenues. It is paying this tariff to the Indian Central Government that is the cause of our objection.

16. I have heard a different view from some others. Then another question which is commonly given us is the export duty on hides. Would you mind explaining this to me, at the end of paragraph 11. Why does the present duty on hides operate to the benefit of the tanneries in Madras and United Provinces?—It operates to our disadvantage by discouraging the export of hide by allowing us to pay less to the producer. I did not give the answer quite correctly. It operates to the benefit of Madras and the United Provinces by keeping the hides in the country.

17. If any of your body would explain it to me I should be quite glad. One likes to appreciate the practical business end of the point. I understand that there is an export duty on hides coming out of British India into Burma?—No.

18. The Chairman: Does the export duty attach to a hide from Burma if it is going to British India? That would be internal, would it not?

Sir Hari Singh Gour: Yes.

19. The Chairman: It is only if it is exported abroad?—Yes.

20. I can guess the reason, but I thought it would be better for you business gentlemen to state it. Why is it that Burma is prejudiced, and that Madras and the United Provinces are benefited by the duty? Let me try this for you. I do not know whether it is any good to you. Are there any tanneries in Burma?—No.

21. There are tanneries in Madras?—Yes.

22. And there are tanneries in the United Provinces?—Yes.

23. It would follow, therefore, that an export duty on hides may, for all I know, help the tanneries in Madras and in the United Provinces, and tend to reduce the price of hides inside those areas?—Yes.

24. You have not got any tanneries to be benefited by it; is not that the reason?—Yes.

25. There is a second reason, I have been told; but I want someone to tell me if it is right. Is not the ordinary Burma hide a rather smaller and less valuable thing than the average hide elsewhere?—A very inferior hide.

26. Well, I thought in working out the duty, in theory a Burmese hide got hard hit as compared with the larger and more valuable hides of some other parts of India. Perhaps none of you gentlemen

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happens to be in this particular trade?—(Mr. Joakim) We thought the duty affected the smaller sizes compared with the larger sizes. The Burma hide is a very inferior quality hide, so the duty does not come in so far as Burma is concerned in regard to the sizes. It was originally put on to help the tanning industry in Burma also, but unfortunately tanning has not been a success in Burma, so that it only helps India, and it does not help Burma.

27. *Sir Arthur Froom*: Are there any figures to show the export of hides as compared with the present day?

*The Chairman*: Do you know whether there are any figures which will compare the export of hides from Burma before the duty was put on, and the export of hides after it has been put on? Perhaps it would be better for us to inquire of one of the officials about that?

*The Witness (Mr. Wroughton)*: Yes.

28. The next point you make is this, and I feel the force of it, if I may say so. You say Burma cannot have an effective voice in the Indian legislature, because the representatives of Burma are few, and you think the general policy of the Government of India is necessarily governed by the view of the great majority: is that right?—Yes.

29. In your practical experience (and we want the practical experience of your Chamber and its members) do you think Burma has suffered by that? Can you develop that for me and illustrate what you have in mind, or is it an abstract theory?—As an example we can say that if our representations received more general support in the Indian legislature, we might have had a better chance of getting the rice export duty removed.

30. I think an obvious difficulty which cannot be denied is the mere difficulty of distance. It must be an extremely difficult thing, I should think, as a practical matter to get Burmese opinion continuously expressed in an Assembly which is such a long way off. Do you find that?—Yes.

31. What do you do about your own representatives? There are two business representatives, are not there, in the Central Legislature?—One in the Legislative Assembly and one in the Council of State.

32. One in each?—Yes.

33. How does it work out? How are the gentlemen, in fact, chosen?—In the Council of State we have our own representative in the person of Mr. Gray. In the Assembly we are represented by Mr. Lamb.

34. It is just because of that that I thought you would have no difficulty in telling me the answer to the question. I know it is Mr. Lamb, but as a matter of fact are there many people who want to serve? Is there difficulty in getting a man to serve? Does he serve a long time, or is he constantly changed?—We do have some difficulty in getting representatives to go so far away and spend so much time, and it is only as a result of personal persuasion that we are able to get people to go.

35. *The Chairman*: Just what I should have thought. I imagine a gentleman going so far away must for the time being be quite away from his business interests. Has Mr. Lamb been your representative for several sessions?

*Sir Hari Singh Gour*: No, they keep on changing.

36. *The Chairman*: Mr. Dawn, you used to be a member of the Council of State?—(Mr. Dawn) Yes.

37. Were you the member for the Burman European seat?—No, I was the representative of the Burma Chamber of Commerce.

38. Is that honourable office usually contested? Do you have a keen contest?—No, it was not contested.

39. Has it ever been contested?—I think not.

40. I expect the difficulty is to get gentlemen of your position to go so far?—Yes, but being on the unemployed list I was available!

41. I think you come from Moulmein, Mr. Dawn?—Yes. I should like to add that the discomforts

and the difference in atmosphere, which is not quite agreeable to Europeans, must be much more unacceptable to the Burman representatives.

42. Yes, I can quite see that. Perhaps you would not mind telling me this. I do not say this with any desire to reflect on anybody, but as a matter of fact are the Burman representatives able to be in constant attendance, or does experience go to show that whatever the reasons may be (distance, I expect, and perhaps other things) though they are elected members they are not able to be in constant attendance in Delhi?—My experience is there was only one Burman representative who constantly attended.

43. I have had the pleasure of reading fairly thoroughly some of the volumes of the Indian Hansard. I have read the debates and discussions and a great many interesting speeches, but I have not seen a great many speeches made in the Assembly by the representatives of Burma?—Very rarely.

44. *The Chairman*: You might tell me this, gentlemen of the Provincial Committee. I have the impression that here in your provincial council a good deal of discussion takes place in Burmese: is not that so?

*U Aung Thin*: That is so.

45. *The Chairman*: I think, Mr. Dawn, that, as you told us quite frankly, the Burma Association of Professional and Business Men was formed after the visit of the Statutory Commission was announced?—Yes.

46. And was formed for the purpose of bringing before the Conference the views of your body?—Yes.

47. Is there anything you would like to say yourself? Would you like to state shortly your general view?—I think our views are given in the Memorandum.

49. There are one or two things in your Memorandum, of course, which are a little critical of the working of the present system of government, and while I do not wish to delay on them I should like to call attention to them. I notice, first of all, that on page 363 of your Memorandum your body takes the view that it has not been very easy to work the Burma Rural Self-Government Act as it was intended. You say about the middle of the page: "after the elections the local Government had to fill by nomination five hundred and seventy-five vacancies in the case of village tracts which had failed to elect members?"—Yes.

50. I gather your point of view is that as yet there has not developed in the countryside so keen an interest in local representative institutions that people will work the machine of election?—That is so.

51. Then you call attention to these annual reviews, from which you give extracts on page 363 which certainly do not seem to be very good reading. Then we come to municipal administration?—Yes.

52. *The Chairman*: I call attention to paragraph 24. I am interested in the constitution of the Corporation of Rangoon. This is correct, is not it, Mr. Rafi?

*Mr. Rafi*: Yes.

53. *The Chairman*: "Its electorate has been divided up on communal lines as is to some extent the case with the legislative council. It has 10 Burmese representatives, 5 European, 4 Mussulman, 4 Hindu and 2 Chinese, 4 representatives of public bodies and 5 nominated by Government."

*Mr. Campagnac*: The European constituency includes Armenians, Jews, Parsees and Anglo-Indians as well: they form one constituency.

54. *The Chairman*: Is this by some regulation issued under the Act by the department of Local Self-Government.

*Mr. Campagnac*: It is under the Corporation of Rangoon Act.

55. *The Chairman*: A special Act?

*Mr. Campagnac*: Yes.

56. *The Chairman*: I see. Then there is a very

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distressing statement on page 364. What is your authority, Mr. Dawn, for the statement there describing the way in which the election is conducted, or I should say misconducted? It is a strong description, you see, and one wants to know who vouches for it?—Dr. Murray, who has been chairman of the municipality will reply to that. (Dr. Murray) We have seen this for ourselves, and this statement, I may say, was seen by Mr. Gavin Scott, the Commissioner of the Corporation and one of the oldest officials in the country, and he considered it a fair account of what takes place at an election.

57. Is there as a rule a contest for the European seats?—Yes, there is always a close contest.

58. Taking your own case if you like, do you consider your constituents hold you to account and take an interest in the conduct of their representative in regard to the affairs of the Corporation?—Yes, I certainly think they do. There are a few, perhaps, in the constituency who do not take much interest but there is a very strong majority who take a keen interest in the contest, and also watch the work of their representatives.

59. Of course, it is an enormously important body. Then we come in your document to a number of suggestions. I gather from page 365 your view is you are not disposed to recommend a further lowering of the franchise at present?—(Mr. Dawn) That is so.

60. It is a striking thing that here in Burma the franchise as it stands admits to the vote a substantially larger proportion of citizens than it does in some parts of India, as far as I can see. That seems to be quite clear. Indeed, I think in paragraph 36 you take the view that the franchise is lower than it ought to be?—Yes.

61. You do not know, do you, of an instance in any country where the franchise has been raised from what it was before?—No, I have no experience.

62. Not in modern times, at any rate. I will not delay you on the subject of the criminal statistics. They are certainly very surprising. I see on the subject of the separation of Burma from India you and your friends associate yourselves with the view of the Burma Chamber of Commerce?—Yes, as regards the financial part of the plea.

63. I hope I have fairly summarised the outline of these two documents. Is there anything you gentlemen would like to add before others put questions?—We do not agree with part of Mr. Anderson's evidence, about corrupt practices in elections being confined to Rangoon. Moreover, we wish to say that though the document put up by our Association may appear rather severely critical, we are anything but anti-Burmese; I should like that to be quite clearly understood.

64. Lord Burnham: On page 361 of the Chamber of Commerce Memorandum the elimination of the official element from the provincial legislatures is deprecated?—(Mr. Wroughton) Yes.

65. Have you any special reasons to give or arguments to use about that?—Our main reason is that at present the representatives in the Legislative Council are not very wise in the matters with which they deal, and we find the official element instructive for us. We are all ignorant in regard to legislation and inclined to see it from our narrow point of view, and the official element really act as our schoolmasters; without them we should, rather, be wandering in the dark.

66. In your opinion, would it be difficult to get any Government Bill properly explained without the help of the official members?—Yes.

67. And in financial matters, do you think the official element is of some use?—(Mr. Howison) Absolutely necessary.

68. I see you regard "with dismay" the suggestion of the Associated Chambers that Law and Order and Police should be put in the hands of a minister responsible to the provincial legislature?—(Mr. Wroughton) Yes.

69. And you quote all these very unpleasant figures with regard to crime. I see the Association of Professional and Business Men in Burma, on page 365 of their Memorandum, state: "The Association considers it worthy of remark that the lives of Europeans seem no longer safe from murderous attack," and, therefore there is no part of the population here that is free. You do not think it would be a good thing, with the want of sympathy that is said to exist with the prosecution of crime, to have the machinery rendered ineffective by being put under the Legislative Council?—Yes, that is our view.

70. Crime does not tend to decrease in Burma?—At the present moment, I believe, it is slightly down, except for the national pastime of murder. Ordinary crime (dacoities and so on) is slightly down, but murder still remains as high as ever.

71. If Law and Order (as it is popularly called) were transferred to a minister responsible to some section of the Legislative Council, how do you think it would affect the morale and discipline of the Police?—I think it would operate very badly against the morale of the Police, because they would not feel assured of the support which they require.

72. Mr. Hartshorn: Can you tell us something more definite as to your reasons for this dismay which you say you feel about the transfer of Law and Order? The present position is evidently very unsatisfactory while Law and Order is a reserved subject. What are your real reasons for thinking that things would be worse if they were placed under a minister?—(Mr. Wroughton) Because in the previous sessions attacks on the Police in the Legislative Council seem to have been entirely irresponsible. They have just been blind attacks, apparently having no sound motive at the back of them. It has not been confined to pure criticism.

73. Do you think those irresponsible attacks, as you call them, have been directed to the police or to the Government? Do not you think the fact that the Legislative Council and the ministers are not responsible in itself tends towards irresponsibility on the part of the members of the Council, and do not you think that if a minister responsible to the Council were made responsible for these services, that would tend to develop responsibility among the members?—So far as we are aware unofficially, we believe that in this province Dyarchy has never been worked as Dyarchy, and that the ministers have been closely associated with the Governor and his councillors in reserved as well as transferred subjects; so that the administration of the Police and matters like that have had the most sympathetic direction.

74. Then, if that is the case, if it has been treated already as though it were a transferred subject, and the ministers and members have been jointly taking responsibility for it, what would be the difference if it were transferred?—Ministers then would be subjected to pressure from outside, in the Council.

75. Is that merely a theory, or have you any incident upon which that suspicion is based?—I cannot specify any definite incident; it is a result of experience of the Council, and a fairly long experience of the country—up-country.

76. The Chairman: Have you served on the Council yourself?—Yes, I have served on the Council.

77. Are you a member now?—I resigned two days ago.

80. Major Atlee: You say that the prevalence of crime is notorious even under the present régime, and that there is little indication of improvement, Burma has always been fairly criminal, has it not?—It always has been pretty bad, but I think it has been worse in the post-war period.

81. I gather, though, that you are rather good in certain ways. You have a very low record of riot, for instance, as compared with other provinces.

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Your crime seems to be more retail than wholesale. The point I want to put to you is, do you really think that this trouble of crime in this province is going to be cured by police methods?—No, it will only be cured by education.

82. You want to have some quite different force from the mere repression of the police force to better the crime conditions?—You must have an adequate police force to keep the country quiet while you are educating them.

83. Quite; but even so, you have not got very far, have you, even with the Police force?—No.

84. Can you suggest anything at all to account for the present position of crime in this province, or any way in which it might be bettered, as you have had a long experience in the country?—No, I do not think so.

85. *The Chairman*: One has been told, and I want to know what you think, that the Burman is an impetuous person, and that it happens that he carries about with him an instrument which is capable, in moments of impetuosity, of doing a good deal of harm. Has that got anything to do with it?—It is his temperament, not the fact that he carries a knife.

86. *Major Attila*: It has been suggested to me that a good deal of crime is due to boredom in the off-season?—I think a good deal of crime is due to the fact that the Police at the present time, for one reason or another, are not very successful in combating crime, and that if a "bad hat" can escape with impunity, he is an extraordinarily bad example to the others, and that the young are rather fascinated with the idea of being what is known as a *lu-so*, a leader of the bad men. There is a good deal of sentiment about it, I think, and a good deal of conceit.

87. *Colonel Lane-Fox*: With regard to the line taken by the Chambers of Commerce in India about the transfer of the police, of course you realise that in the evidence given to us the opinions of the Chambers of Commerce have shown considerable divergences?—Yes.

88. But surely in this matter the Indian problem is an entirely different one from yours, because you have no communal question. Is not the difficulty in India the fear that as between one community and another the police will be administered unfairly, by a Hindu minister as against the Muhammadans, or *vice versa*? That trouble does not occur with you, does it?—No.

89. What you have to deal with is ordinary crime?—Yes.

90. Is there any reason why a Burman minister should not be just as anxious to stamp out crime as a European? There is no question of communal bias; it is the ordinary question of stamping out crime. A good Burman is just as anxious to stop crime as a good European?—Yes, he should be, but he is subject to much more pressure than the European would be.

91. But why should there be pressure? I quite understand there being pressure if there is a communal question, the pressure of the minister's relations and the party, and so on, but there is no party in your case that would bring pressure on a minister to encourage crime, is there? Can you explain what you mean by pressure?—I would say the difficulty lies in the fact that there is not sufficient public spirit outside against crime, and in a district the criminal in many cases is thought to be rather a hero.

92. But you do not suggest here that any particular party or group would bring pressure on a minister to encourage terrorism?—No, but the feeling, almost akin to sympathy, in favour of a criminal would make it very difficult for ministers to introduce severe measures against criminals.

93. Do you suggest that the law is not stringent enough now? The law is now being administered by a Burman member. Do you suggest that if he became a minister his position would be any different

in that respect?—The law at present is being administered by the Governor in Council.

94. But if the member responsible became a minister, do you think it would be more difficult for him to carry out his duties?—I think it would.

95. Might I ask Mr. Dawn what his view would be on this point? Your position, Mr. Dawn, in Burma seems to me quite different from the Indian position. The Indian position as regards transfer of the police administration is the difficulty of securing fair play as between the two main communities which cause the principal trouble in India at this moment. That does not occur in Burma. Therefore, what is the great difficulty of transferring the administration of police to a minister in Burma?—(*Mr. Dawn*) May I ask Mr. Darwood to reply to that? He is much more *au fait* with the subject than I am. (*Mr. Darwood*) I think there would be a great deal of distrust if the administration of the police were transferred to a minister. The Burmans—my friends on the left will excuse me saying so—are a very large-hearted race, and also they are very charitable. If a police officer gets into any trouble he goes to somebody to whom he is subordinate, and that officer goes to somebody in a higher position, and eventually some kind of appeal is made to the minister, who is apt, I think, rather to slur over any difficulties. That is why, I think, so far as the European community is concerned, they are rather distrustful of transferring the police to a minister.

96. But that sort of influence would equally affect the present member. That is a human question. I was asking what the political pressure was that was suggested.—I do not know about the political pressure.

97. Why would the position of a minister be more difficult than that of a member?—That I am unable to answer.

98. That is the point of difference, is it not? In the one case a man is liable to political pressure from his party, or members in the council; in the other case he is not?—(*Mr. Page*) May I answer that question? We have pointed out in our Memorandum that under the present system a minister is often a man of very little experience; he is a man who would naturally be more susceptible to pressure than a member appointed by the Governor. In the long run, of course, both are appointed by the Governor, but the member is naturally a man of much higher qualifications for office than a minister who has to be chosen from among the members of the present Legislative Council; and, as we say in our Memorandum, in practice from a particular class or group of members.

99. It does not require much experience to hang a man for murder, does it?—No, I do not think that is the point. We feel, from our experience of the country, that there is too much outside influence at work in cases where a criminal, for example, has friends. There is great danger that outside influence may be brought to work.

100. That, of course, equally applies to the member, does it not?—I think a member may be reasonably expected to be above such considerations.

101. *Mr. Hartshorn*: But is not the present member drawn from the ministers? Was not he formerly a minister?—In this case, but that is not necessarily so.

*Mr. Hartshorn*: Not necessarily so, I agree.

102. *Colonel Lane-Fox*: I want to ask one question about the statement which is made in the Memorandum of the Business Men about the Rangoon elections. I think Mr. Dawn or somebody said he did not agree that the description you have given about the elections in Rangoon is not typical of other parts of Burma. The question is, how far would you consider that this description really applies to elections throughout Burma, municipal or other?—(*Mr. Dawn*) Throughout the country.

103. You think they are all as bad as this?—More or less, I think, approximately.

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104. *Lord Strathcona*: May I ask Mr. Dawn a question first of all. Would you or any member of your Association be able to give us an opinion as to whether the jury system is, in your opinion, working satisfactorily in this country?—(*Mr. Darwood*) If I may be allowed to speak on that subject, I should say that the jury system is not a satisfactory system.

105. I asked that question because you give, in your Business Men's document on page 366 a list of reasons why, apparently, criminals escaped conviction, particularly in murder cases; but you do not mention the jury system. I wondered whether that was one of the reasons why occasionally criminals get off?—Well, there is very little of the jury system in Burma itself, apart from Rangoon and Moulmein. The trials of criminals are by magistrates.

106. It has been suggested to me privately that the Burman on a jury is rather too kind-hearted?—I imagine that is so.

107. Would that be your opinion?—(*Mr. Darwood*) The Burman is notoriously averse to sentencing a man to death. We have in this country a system by which assessors sit with the sessions judges, and I should think in ninety per cent. of the cases in which the sessions judge convicts a person the assessors would acquit him.

108. *The Chairman*: You have acted as a district and sessions judge?—Yes.

109. So you speak with some knowledge of your own court?—Yes.

110. I am not clear how far there is actually any jury system. Take the ordinary case of a Burman who commits what is alleged to be a murder. Is he tried with the assistance of anybody?—All over Burma, except in Rangoon and Moulmein, he is tried with the assistance of assessors.

111. If I understand it rightly, though the presiding judge attends to what the assessors say (I think their view is stated publicly), he forms his own view according to what he thinks is right, after hearing their view?—Yes.

112. If you think a man should be convicted, the fact that your two assessors suggest he should be acquitted does not lessen your jurisdiction to convict him?—It does not.

113. *Lord Strathcona*: On the other hand, in cases where there is a jury it is a fact, is not it, that it is rather hard to get a conviction?—I have found it very difficult on occasions in cases which I had every reason to believe were perfectly true cases.

114. Do you and your body, Mr. Wroughton, more or less agree with that opinion? Is that your experience?—(*Mr. Wroughton*) We have really no experience. (*Mr. Howison*) In Rangoon we have mixed juries on which there is generally a preponderance of Europeans.

115. *Mr. Cadogan*: I should like to ask a question on section 27 of the Memorandum of the Burma Chamber of Commerce. You say: "Whatever constitution may be introduced for India and Burma or for a separated Burma, this Chamber is unanimous with the Associated Chambers of Commerce of India and Ceylon in insisting that it must provide for a strong Central Government." We have had sentences of a similar character in a great number of Memoranda. I do not know whether you would be prepared to develop that expression and say what you mean by a strong Central Government? Do you suggest any alteration in the structure of the Central Legislature, or what do you mean by that phrase?—(*Mr. Wroughton*) We have formed no definite ideas that we are prepared to put forward.

116. Do you consider the present Central Government sufficiently strong for your purpose?—We are not satisfied with it, if that is what you mean, but exactly why we are dissatisfied we do not quite know.

*The Chairman*: That is a perfectly straightforward answer and a very reasonable point of view.

117. *Mr. Cadogan*: At the end of the other

Memorandum the Association of Professional and Business Men say: "A healthy educated public opinion must be cultivated and the people taught to realise the privileges and obligations of citizenship." I am reading that in conjunction with section 36, to which the Chairman has referred, and which says: "The view of this Association is that the existing electoral qualifications are ridiculously low." Would not you agree the most effective method of teaching these responsibilities and quickening the interest of the public in provincial politics is the franchise, or is it your point that they are not sufficiently educated for the existing electoral qualifications?—(*Mr. Dawn*) That is so.

118. That is the point? You think swimming should be taught on the bank?—(*Mr. Foucar*) Not entirely. You will see we say that the education should start in the villages; we do not want to work from the top downwards. It is useless giving votes to people who do not understand for what they are voting.

119. There is one other subsidiary point on which I should like more information. On page 365, you say: "in the Burmese constituencies we have similar mass voting or abstention from voting carried out at the instigation of *hpongyis* whose influence upon the ignorant classes cannot be over-estimated." We had evidence a day or two ago to the effect that it was only one small section of *hpongyis* who influenced the political life of the province, and in the case of the great majority they abided by the rules of their order, which forbade them to take part in politics. Is it only a small section?—It is, of course, contrary to their religious rules, and it may be only a small section as compared with the whole body of *hpongyis*, but it is an important section which has considerable influence.

120. *U Aung Thin*: The European community in Burma may be said to have monopolised all the big business?—(*Mr. Wroughton*) No.

121. Am I wrong?—Yes.

122. I put it to you that as regards rice, timber, and minerals the European community have something like a monopoly?—Not in rice; in timber and minerals, yes; but not a monopoly.

123. When I say "monopoly," I mean your hold on the business is more than half?—It is in minerals and in teak, but not in other timbers nor in rice.

124. Not in rice?—No.

125. What proportion do you hold in rice?—In 1928 I believe about 25 per cent. of the exportable surplus of the paddy crop was milled by European rice millers.

126. Is that the largest proportion, or the minimum?—That is the approximate amount: roughly one quarter of the exported paddy crop was milled by European firms in 1928.

127. But you admit in teak and minerals you have a monopoly?—Not a monopoly; the largest holding is with Europeans.

128. So your interest in business is very great indeed?—Yes.

129. *U Aung Thin*: And you would naturally like to proceed more slowly than the people of Burma wish to in the matter of constitutional advance?

*The Chairman*: Why?

*The Witness*: I do not agree with that. We do not at present know exactly what advance the responsible members of the people of Burma want.

130. *U Aung Thin*: I understand from your answers to previous questions you want to move slowly. Take the case of Law and Order; although Law and Order is at present under the control of a Burman member you wish to move cautiously; you would not transfer it and trust it to the control of a Burman minister?—So far as Law and Order is concerned we would move with great caution.

131. I put it to you that your fear is actuated by a desire to safeguard your own interests?—No, distinctly not. The business community cannot

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do good business in the province unless the province is happy, prosperous and quiet, and that is as far as our interest in politics goes—that the province should be peacefully and quietly governed.

132. *U Ba U*: You said the growth of crime in Burma was not due to economic causes: is that your belief?—Yes.

133. Have you ever been in the villages of Upper Burma?—I was twenty years up there.

134. Perhaps you have visited about a dozen villages in Upper Burma?—Hundreds.

135. After the villagers have finished ploughing and harvesting the paddy, have they any subsidiary industry in the villages?—In very, very few places.

136. It is very rare?—It is rare, yes.

137. To combat successfully the growth of crime in Burma, you are anxious to give more education to the people?—Yes.

138. Do you mean people should have more primary and secondary education to prevent them from committing crime?—I do not suggest any definite form of education, but education in the widest sense. I am not prepared to specify the different forms it should take.

139. You say the Burma Legislative Council is in the habit of attacking the police organisation very much?—Yes.

140. Do you remember the attack was so great that His Excellency had to restore a certain sum of money?—Yes.

*Mr. Campagnac*: 10 lakhs.

141. *U Ba U*: After that there came the police reorganisation; do you remember that?—Yes.

142. The Legislative Council attacked the police, and they succeeded in reorganising the police. After the reorganisation period have the attacks still gone on?—My own personal view (not having discussed it with the chairman) is that the term "reorganisation of the police" is hardly correct. After the report of the Retrenchment Committee the police were reduced; a great number of police posts in the country were abolished, to the detriment of Law and Order.

143. The pay of the personnel was raised?—But their numbers were lowered.

144. Their morale was improved?—I am not prepared to say yes or no to that.

145. At present is the Police department under a Burman member?—It is under the Governor in Council. It is directly under a Burman member, yes.

146. You want to get back the Burman revenue from India so that Burma may spend that revenue on education?—On the general development of the country.

147. Would you rather this money were spent on making roads, or equally on education also?—Generally. We are not prepared to specify definitely where we want the money spent, but we want more money spent.

148. *Mr. Dawn*, you say on page 362 of your Memorandum that representative government is alien to the Burmese tradition?—(*Mr. Dawn*) Yes.

149. Have you been in Burma for a long time?—Yes.

150. Were you in Burma when King Thebaw was in Mandalay?—I was in Burma before the annexation, yes.

151. Did you get any news from Mandalay that during King Thebaw's time his Government was reformed?—No, I never had any news of that sort.

*U Ba U*: There were reforms in Mandalay; the King had to become a constitutional head.

*Lord Burnham*: Was that before the massacre there?

152. *U Ba U*: After that. *Mr. Dawn*, you say on page 364 that frauds are very rife at elections, and that coolies vote under names which are not their own. According to my experience, I have my agent there and my agent can ask a man what his name is, and if the coolie says his name is so-and-so,

and his name is not on the ticket, he would be found out. Have you had any such instance in Rangoon?—Personally I know nothing about election methods in Rangoon; I live in Moulmein; but *Dr. Murray* can answer your question. (*Dr. Murray*) These practices do occur; they occurred in Rangoon in November last, when the elections took place. Coolies went in and handed in their cards under any name at all, their own names being altogether different. They were given the right to vote and they went inside and voted. They could not read what was written on the card; they were simply told to cut the first and third names out and leave the others on. They knew nothing else about it. That was with regard to municipal elections. For the council elections they were given a token which they put in the box. We are told some of them did not put it in the box, but took it outside and gave it back to the person who sent them in, and then when several of the tokens had been collected an intelligent person was sent in and put them into the correct box. Even worse things are said.

*The Chairman*: I think it would be well to invite *Mr. Harper*, the Collector of Rangoon, to come into the room.

153. *U Ba U*: You have all along been saying that people have not learnt the practice of responsible government sufficiently, and you have said that the granting of any reforms that have been granted has been premature?—(*Mr. Dawn*) Yes.

154. Do you believe that the people of any country will learn the practice of responsible government without giving them any reforms?—They have got to start at the bottom.

155. You say on page 364 that the villagers have no idea of an election. Have you been to a village during the time of a village headman's election?—No.

*U Ba U*: They are very brisk and very keen.

156. *The Chairman*: I may perhaps tell you, *U Ba U*, that yesterday I was one of a party that went to a village not far from here, and we had a meeting of the village headman, and I inquired particularly on the point which you mention. I wanted to know how the headman was chosen, and I was told he was chosen by election, though there was a strong general tradition that as far as possible the headmanship should be kept in the family. That is right, is it not?—(*U Ba U*) Yes.

*The Chairman*: I asked how the election took place, and I was very much interested to learn that it took place not by a show of hands, but by ballot; and the gentleman who took me, who was the Collector, told me that his experience was that the ballot was exceedingly well worked, and that there were more candidates than one, very often, and that every man who came up had to show why he had the right to vote; and his own view, undoubtedly, was that the election of the headman was worked on very reasonable lines; and that confirms what you say, so far as it goes. That was certainly the general effect of what I was told; and I saw the other headmen and various people who described what happened.

157. *U Ba U*: With regard to the personnel of the Burma Legislative Council, you say on page 365 that generally the junior pleaders get into the council. Do you know how many pleaders are members of the Legislative Council?—No, I do not.

*The Chairman*: We were given some figures, I remember.

158. *U Ba U*: Is any present minister a junior pleader of poor practice?—I would rather be excused from answering that question.

159. *U Ba U*: Do you know that every minister appointed has been a barrister-at-law, except one, who was a doctor?

*The Chairman*: That is so, is it?

*U Ba U*: Yes.

160. *The Chairman*: We quite accept that. I was just looking at this official book to see if I could get a little light on one of the points you made.

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Would you mind helping me? You pointed out to the witness that, as you thought the Legislative Council here had really, by its criticism of the police, led to an improvement in the service, and I was looking at the book (Vol XI, pp. 211-2), and I see there a motion for retrenchment, for less to be spent on the police, and thereupon there was appointed a Burma Retrenchment Committee, and there was also a Crime Inquiry Committee, and eventually a thing called the Police Inquiry Committee, which seems to have made a report in 1924. I gather that it recommended that the police force should be reduced, that the number of police stations should be reduced, and also a number of the force, that a number of outposts should be abolished, and that the pay should be raised. That was the general scheme of it, and there seems to have been a substantial reduction, of nearly 2,000 head constables, and the substitution of a smaller number of higher-paid and more efficient officers.

U Ba U : Yes.

161. *The Chairman* : That is what you are on?

U Ba U : Yes.

162. *The Chairman* : "This reorganisation may be ascribed partly to the action of the Council in reducing the Budget, and in part to the recommendations of the Police Enquiry Committee." It goes on to say (page 212 of Vol XI), "It was followed in 1925 and 1926 by a serious rise in the number of dacoities and robberies, to cope with which the strength of the force had to be increased." Would you mind telling me this. The force was increased again. Did the Legislative Council object to the increase, or did they vote it?

U Ba U : They voted it.

163. *Mr. Rafi* : In order further to emphasise the point made by the Chairman, namely, the difficulty of arriving at a correct understanding of the financial relation between the Provincial Government and the Government of India, may I draw your attention to the difference between the two sets of accounts prepared by the Burma Government for 1923-24. In paragraph 24 of your Memorandum you show that the Indian Government was the gainer to the extent of seven crores. Is that right?—(*Mr. Wroughton*) : That sum of seven crores was not spent in Burma.

*Mr. Rafi* : Yes, that the Indian Government was a gainer to that extent.

*The Chairman* : I think the witness's answer is slightly more accurate than the way you put it. It is quite accurate to say it was not spent in Burma, specifically, but, of course, the witness is protecting himself against being supposed not to recognise that the Central Government does do things for Burma; for instance, pays for the army. So it is not necessarily pure gain, you see.

*Mr. Rafi* : Then it was not spent on Burma, the witness says.

164. *The Chairman* : I thought his language was "spent in Burma."—The seven crores was spent out of Burma.

165. *Mr. Rafi* : Then if it was spent out of Burma, Burma stood to lose seven crores?—No.

166. *The Chairman* : Do you think so? If you paid for the whole of the army used in Burma elsewhere, do you think Burma would get nothing for it?—No; the distinction is quite plain, is it not?

*Mr. Rafi* : According to this statement—I am speaking subject to correction—nine crores went out of Burma, and the expenditure was 2.75 crores. That is the statement in the memorandum. The revenue for the year 1923-24 was 9.75 crores, and the expenditure for the same year was 2.75 crores. So I deducted that 2.75 from the 9.75, and got 7 crores to the credit of the Government of India.

*The Chairman* : Yes, I see, *Mr. Rafi*. I think what you were saying was right. You see, the phrase is not merely "spent in Burma"; it is "spent in and on behalf of Burma," and so put, I think your calculation is logically right.

167. *Lord Strathearn* : Does not the next sentence qualify that rather?

*Mr. Rafi* : Yes, I was coming to that. I was merely interested in drawing the attention of these gentlemen to this fact, that while the witness points out that the Government of India had seven crores to its credit, the Government of Burma for that same year prepared a statement of account showing that there was 20 lakhs 52 thousand deficit. *Mr. Layton* has seen this. There is no compound interest about this; the compound interest would be in this third column. This is irrespective of the compound interest.

168. Has your attention been drawn to that?—(*Mr. Wroughton*) The Government of India declined to be drawn on these figures, and I really feel disposed to say the same myself.

169. On which figures?—These figures, the 9.75 and the 2.75 crores. We brought this in as the general position of affairs.

170. *Mr. Rafi* : I wanted to draw your attention to the fact that there is another set of accounts prepared by the Burma Government saying that the Government of India, far from making a gain, were losing to the extent of 20 lakhs of rupees, just to show you how difficult it is to come to a correct understanding of the financial position as between Burma and India.

*Mr. Campagnac* : If I may be permitted to say so, that statement was not prepared by the Government of Burma, but by the Accountant-General, and the figures were not accepted by the Burma Government.

*The Witness* : Those figures have never come to our notice, have they?

*Mr. Rafi* : I do not know if *Mr. Campagnac* is in the confidence of the Government of Burma, but I see a statement here, "Printed by the Government of Burma."

*The Chairman* : We need not have a controversy about it. I think the source of the document is the Government of India, and the fact that the printing press of the Government of Burma has printed some copies would not prove the contrary.

*Mr. Rafi* : "Authorised by the Government of Burma."

*The Chairman* : That would not prove the contrary.

171. *Mr. Rafi* : Will you please refer to page 359 of your Memorandum : "There is a strong feeling that India derives from Burma a greater revenue than the services rendered to the province warrant." Do you know that the financial relations between Burma and the Government of India are governed by the Meston Settlement?—I believe so, yes. They are greatly affected by it, anyway.

172. And that the question of services rendered by the Government of India to Burma does not arise so long as the Meston Settlement is in force?—Our complaint is that we get rather bad treatment under the Meston Settlement. We think at the moment that our settlement under the Meston Settlement is inequitable to Burma.

173. You want a readjustment more favourable to Burma, do you not?—Yes.

174. I mean a readjustment of her financial relations with India?—We want a greater share of Burma revenues spent in Burma.

175. Do you mean you would like to have a revision of the Meston Settlement or fiscal autonomy? Please refer to Paragraph 10.—As we said in our Memorandum, until we know how we stand financially vis-à-vis the Central Government, we are not prepared to say that we should be satisfied with a revision of the Meston award.

176. Or whether it is fiscal autonomy you want? That is so.

177. In paragraph 22 you say there is a dearth of able politicians amongst the Burman and other indigenous elements of the population?—Yes.

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178. But do not you think that that is rather an obstacle in the way of separation?—We have never come down on pro-separation or anti-separation so far.

179. I beg your pardon?—We have never said that we were in favour of a separation, so far, or that we were opposed to it.

180. I have noticed that, but I am just putting to you this question as a matter of common interest. Do not you think that is rather a point against separation?—I do not know what the politicians in the other provinces are like.

181. You say in paragraph 27 (page 361): "Yet another form of discrimination which has been attempted is the restriction of employment in Government service to Burman Buddhists?"—Yes.

182. Do you mean that while there is no legal bar to the employment of other than Burman Buddhists as a matter of fact, discrimination is made?—It was at one time; I do not know whether it is still. I think Government brought in some regulations about it.

183. Then this sentence here is not intended to cover present conditions: is that what it comes to?—I think it is a fairly fair statement.

184. It is a fairly fair statement which perhaps covers present-day conditions?—It might.

185. *Sir Hari Singh Gour*: What is the present position, Mr. Rafi? You can inform the Conference.

*Mr. Rafi*: The answer is implied in the question I put: there is no legal bar, but as a matter of fact there is discrimination.

*The Chairman*: To a previous question put by you the witness made an answer which was amusing, but I do not think it quite met your question, Mr. Rafi. Perhaps I may refer you to page 360 of the document, where he undoubtedly does draw a distinction between the material for political administration in Burma and the material for political administration in India: "the standard of advanced education among the Burman population is lower than that in India, and there are few, if any, Burmans qualified to hold the high Government posts which, in India, are filled with some degree of distinction by highly educated Indians."

186. *Mr. Rafi*: Yes. I will now turn my attention to the Association of Business Men. In your Memorandum you refer to certain irregularities by district councils?—(*Mr. Dawn*) Yes.

187. Do you know the Montford report contemplated that local bodies should learn by their mistakes?—It is quite likely; I do not know.

188. Do not you think if the District Councils Act had defined the powers and functions of circle boards, instead of leaving it to the District Councils to delegate those powers and functions, the circle boards would have functioned more usefully, in view of the fact that they were being given a new system to work under?—Probably.

189. In paragraph 16, page 368, you refer to the large number of vacancies which had to be filled by nomination?—Yes.

190. Are you aware that the creation of District Councils synchronised with the introduction of Dyarchy?—Yes.

191. And that these District Councils were boycotted as being Dyarchic Councils?—No.

192. You are not aware of that? With regard to paragraph 17 of your Memorandum, do you know on what principle the working of local bodies is classified as satisfactory or otherwise?—It is laid down on a specified plan.

193. *Mr. Rafi*: Will you give the reference? I should like to draw the attention of the Conference to that.

*The Chairman*: Will you summarise it for us, Mr. Rafi? We know you will do it most fairly.

*Mr. Rafi*: The reference is the annual report of the Local Fund Audit Department in Burma, page 3: "Satisfactory. If there are only a few

"very minor objections in procedure which do not affect the finances. Fairly satisfactory: Where there are a larger, though not large, number of minor objections, but those only technical and not wilful. Not satisfactory: Where there are more serious technical objections but still no financial irregularities. Unsatisfactory: Where the number of objections is large or previous audit-notes have not been properly attended to, and or where financial irregularities exist, e.g., double payments without dishonest intentions. Very unsatisfactory: Where serious financial irregularities, including misappropriations, embezzlements, forgeries are found."

*The Chairman*: Thank you very much; that is what I wanted to know. That shows one may well neglect the higher categories, because, especially with want of experience, it is almost inevitable there will be technical mistakes; but you will agree with me that if the "very unsatisfactory" cases were well founded that is a much graver matter.

194. *Mr. Rafi*: It would be, sir. (To witness) You have referred to embezzlements committed by officers of local bodies. I take it you are aware of instances where there have been embezzlements in some cases in large Government offices?—I cannot recall any at the moment, but no doubt they have happened.

195. Are you aware that District Councils are suffering from a chronic lack of money, and therefore are not in a position to carry on sanitary projects?—They have powers, I understand, for raising money.

196. Yes, but you know for a long time Government had a special officer deputed to go into the question of finances with a view to ascertaining how much could be contributed by the local Government with a view to relieving the situation?—I was not aware of it.

197. Are you aware that the present state of their finances does not permit of their engaging an adequate staff, competent to cope with such situations as may arise within their respective jurisdictions?—I was not aware of it.

\* \* \* \* \*

198. *Mr. Rafi*: You say in your Memorandum that crowds of coolie voters surround the polling stations and prevent respectable voters from gaining access?—Yes.

199. Is the intention to convey that is deliberately done, or is it the inevitable result of large crowds turning out to vote?—(*Mr. Darwood*) The way it is done might give the impression it is deliberate, but it is difficult to know what was in the minds of those who did it.

200. Is not the appearance of a large crowd at a polling station indicative of good organisation?—Of much organisation, yes; I will not say good!

201. You complain there has been personation on a large scale?—Yes.

202. At all the booths except your own?—I did not say that, but very little if any took place at the European booth.

203. Do not you think it extraordinary that not a single case of personation should be brought to light if it took place on a large scale?—It was very largely spoken of. That no case was brought to the courts was simply due to the fact that the candidates, having spent a good deal of money on the election, were not prepared to spend a great deal more in contesting a case. These cases, I learn, are exceedingly expensive, even when it is a barrister who contests one!

204. Where did you get that idea from—that it is the cost of bringing these personations to light which has prevented people filing election petitions?—I have had two candidates in my room consulting me with regard to the matter. One was a successful candidate and the other an unsuccessful one. When it became apparent what the cost would be they said it was not worth it.



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205. *Mr. Rafi*: What do you think the cost would be?

*The Chairman*: Does that matter? The last answer shows the witness had at least some ground for his answer. If it is anything like it is in England, I will say at once I believe election petitions are very expensive matters.

*Mr. Rafi*: It is not so here.

206. *The Chairman*: What is it here?

*Mr. Rafi*: I should say at the outside Rs500.

*The Witness (Dr. Murray)*: If it is multiplied ten times that will give the correct impression. Rs3,500 would be a moderate guess of the cost.

*The Chairman*: The main thing is to get a fair impression of how matters really stand. We do not want to go into great detail. One reason—I do not know whether it is a just reason or not—why people were not willing to bring these matters into investigation might be this. There are more sides than one, and more than one might be engaged in the same sort of practice. I do not know whether it is true or not. I am making no reflections. Mr. Harper had charge of some elections, and I do not know whether Mr. Rafi would like to ask Mr. Harper what his own impression is or whether he would like to continue with more detailed questions to the deputation.

207. *Mr. Rafi*: I must get to the bottom of the cost of this litigation. Witnesses make statements which require to be tested a bit. I suppose the expensiveness of litigation would be probably due to the fee that a person would have to pay to a lawyer? —(*Dr. Murray*): Very possibly.

208. That would be the main item of expenditure? —I think so. I do not know.

209. Of course you are not in a position to say what the fees of a lawyer generally are in a case like this?—I have heard that it is always spoken of in four figures. I understand that there are barristers present here, members of my deputation, who have been engaged in these cases.

210. *The Chairman*: I personally have never been engaged in election cases and never had any other part in them, but I always understood that sometimes they last a long time and usually a large number of witnesses are called?—(*Mr. Paget*): That is so, sir.

*Mr. Rafi*: Witnesses are not paid very heavily here as they are in England.

*The Chairman*: The main thing is really what is a fair description of facts.

211. *Mr. Rafi*: Do you know of any election petitions by any defeated candidates on the score that there was personation in regard to the municipal elections in the city of Rangoon?—(*Dr. Murray*) Yes.

212. How many?—I could not tell you straight off.

213. How many cases were there on the score of personation?—I must think before I can reply. I cannot tell you straight off.

214. On page 361 you say: "In the Muhammadan community the same tactics are employed as in the Hindu and it is not too much to say that there are two large employers of labour who can return any candidate who secures their good offices." I do not want to ask you the names of those two employers of labour for obvious reasons, but do you know that these two employers of labour threw their weight on the side of a Mussulman candidate, who was defeated in the elections in November?—They reversed the election when they threw their weight. The rejected candidate at the legislative council election was elected at the municipal election as the result of those persons throwing in their weight on his behalf.

215. I was referring to these two employers of labour throwing in their weight on his side in the Legislative Council election, and yet the Mussulman candidate was defeated. He did not secure a seat?—Those who were elected were also Mussulmans, I think. A Moslem may have been defeated, but those who were accepted were Mussulmans.

216. I merely want to draw your attention to the fact of a Mussalman candidate having been defeated. —By two other Mussulmans.

217. No, by a Parsee; and I want to point out that that happened in spite of the fact that these two employers of labour about whom you have spoken had thrown their weight on his side.—That is not quite correct.

218. What is not quite correct?—It is very difficult for me to explain that without mentioning names. If I could mention names I could make it perfectly clear.

\* \* \* \* \*  
223. \* \* \* Is there any one amongst you besides Mr. Dawn who has got experience of district municipal administration?—(*Mr. Dawn*) No, not in the deputation, but in the Association there are.

224. Mr. Dawn, I think you were a member of the Moulmein municipality until recently?—Yes.

225. Did your experience of the working of that municipality lead you to think that district municipalities are being worked inefficiently?—You will notice from paragraph 28, page 364 (Memorandum of the Association of Professional and Business Men in Burma) that efficiency was conspicuous by its absence.

226. One word about crime. Do you not think that the principal causes of the extensive crime prevalent in this country are drink and gambling? —(*Mr. Darwood*) I do not think so.

\* \* \* \* \*  
228. *Mr. Campagnac*: Mr. Darwood, I would like to address these remarks to you. You have been a barrister practising in Moulmein for a number of years?—Yes.

229. And you have been a sessions judge in Moulmein for a number of years?—Yes.

230. And you have officiated on more than one occasion as a judge of the High Court?—Yes.

231. We have heard a great deal about murders here?—Yes.

232. Would I be right in assuming that so far as the Burmese are concerned, the murders committed by them are very rarely premeditated?—It is a difficult question to answer. That depends upon what you describe as premeditation. I quite admit that over fifty per cent. of the cases are committed on the spur of the moment.

233. Due to sudden heat and passion?—Quite right, and to the fact that the Burmese are always carrying a knife about them.

234. And a number of these murders are committed at Pwes?—Quite a number of them are.

235. And when a man is under the influence of liquor?—Sometimes.

236. So far as your experience goes, has capital punishment been any deterrent at all in this province so far as the Burmese are concerned?—I should not think so.

\* \* \* \* \*  
248. *Mr. Campagnac*: You told us that there have been attacks made on the Police by the Burma Legislative Council?—(*Mr. Wroughton*) Yes.

249. As far as you are aware, there have been no particular attacks made against the European and Anglo-Indian Police?—I was speaking of attacks against the Police as a whole, not particularly against either the Indians or the Burmese or the Europeans or the Anglo-Indians—just the general and rather irresponsible attacks against the Police as a whole.

250. The attacks have been based on the fact that every year expenditure was increased on the Police, while there was no reduction in crime; and the attitude taken up by the Legislative Council was this: "Why should we go on spending more money on the Police Department when they could produce 'no results'?" That was the argument of the Opposition; was that not so?—I do not think that the argument was quite as large as that. I do not quite recollect the argument.

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251. When you were asked whether you would transfer Law and Order to a Minister, you said something about pressure; is this what you intended, namely, that political pressure might be put upon a minister to employ people in the Police who were unsuitable? Is it not your experience that a minister is expected to give employment to people who have supported him at elections and things of that sort?—I do not think I can say anything which really will carry you any distance in regard to that.

252. We have heard a great deal about people being very large-hearted and generous and in that way encouraging crime. But is it not a fact that during the last few years Government has offered rewards to people who assisted the people in frustrating dacoities?—Yes.

253. And has not that resulted in a large number of dacoities being frustrated? Have not the people responded to that?—You gather that from the newspapers?

254. I gather that from reports?—Yes.

255. At page 361 (paragraph 27) of your Memorandum you say that there has been an attempt to restrict Government appointments to Burman Buddhists. Is that based on your experience?—It is my personal experience; I should say it was.

256. At present a person who seeks employment under Government has first to pass an examination, and after passing the examination he has to come before a Selection Board?—Yes.

257. And so far as your experience goes, the Selection Board has been partial to Burman Buddhists?—I will not say the Selection Board as a whole. I have once served on the Board and I have gathered that impression.

258. When a candidate appears before this Selection Board the first thing that the Board attempts to do is to ascertain whether he is a Burman or one domiciled in this country. Was that your experience on the Selection Board?—My recollection is not good enough to say what exactly it was.

\* \* \* \* \*

260. *Mr. Campagnac*: \* \* \* \* \* (To the witness): Then you were asked about the tariff duty on steel. You were asked whether the tariff duty operated unfavourably for Burma. Is it a fact that this tariff duty was imposed with a view to protect Tata's?—It is common knowledge.

261. Is any steel imported from India into Burma?—I am not absolutely certain of the fact, but I think it is a very, very small proportion indeed.

262. Then you were also asked about hides. Was this industry chiefly in the hands of the Germans before the war?—To a certain extent.

263. Your hides being inferior to Indian hides, it is very difficult for you to compete against hides from India?—Yes.

264. So that you have to compete against hides from India and Europe?—Yes.

## Afternoon.

(RAO BAHADUR RAJAH AND MR. KIKABHAI PREMCHAND WERE ABSENT.)

## Deputation from the Burma Chamber of Commerce jointly with the Deputation from the Burma Association of Professional and Business Men

—CONTINUED.

(THE DEPUTATION CONSISTED OF THE GENTLEMEN PRESENT IN THE FORENOON.)

1. *U Ba Shin*: Mr. Wroughton, may I know for what period you have been in Burma?—(*Mr. Wroughton*): 28 years.

2. Of course I can fairly expect from you a reply with regard to the present day cry of the separation of Burma from India?—So far as I know, there is no unanimity amongst Burmans on that point. One section of Burmans is opposed to the separation, while another section appears to be in favour of separation.

3. Those who are in favour of separation are over 80 per cent. approximately, is it not?—I cannot say.

4. *The Chairman*: There is a difference of view, you think, amongst Burmans themselves?—Yes. The section which is opposed to separation, I think, oppose it on purely political grounds. They think that if Burma is separated they would not get any political advance. I think that if you disabuse their minds of that point, there would be complete unanimity on the subject of separation.

5. *U Ba Shin*: The view of your Chamber is this that you recommend a form of government for Burma which will content the people of the country, is it not?—Yes, "and which will yet contain adequate "safeguards for the preservation of internal peace "and for the protection of all commercial interests."

6. The firms in Burma usually employ Indian labour?—In factories they do; they also employ a great deal of Burman labour in districts. The firm which I represent employs more Burmans than Indians.

7. What firm?—The Bombay-Burma Trading Corporation.

8. Take, for instance, the rice exporting firms, such as Steele Bros. They employ Indian labour in the mills?—Yes.

9. One of the reasons for employing Indian labour is that it is cheaper than Burman labour?—Not cheaper, but it is more efficient.

10. You say it is more efficient. Am I to understand that you have tried the Burman labour in these rice mills, or is it purely a speculation that Indian labour is more efficient than Burman labour?

—Both Burmans and Indians are employed in mills, but the Burmans are mostly employed in clerical work. As a labourer the Burman is not as efficient as the Indian labourer.

11. Efficiency in carrying bags of rice, is that what you mean?—Burmans generally dislike manual labour.

12. Another reason is that the standard of living of a Burman is high and he considers that he is not paid sufficiently?—I do not know about that.

13. In paragraph 23 you say: "The scarcity of "experienced leaders among the ranks of local "politicians further leads this Chamber to view with "some concern the proposal to eliminate entirely "from the Provincial Legislatures the official "element." I would like to know what you mean by "experienced leaders"?—The common meaning which "experienced leaders" convey.

\* \* \* \* \*

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[Continued.]

15. *U Ba Shin* : \* \* \* In paragraph 24 you say : " The crime record of Burma is notorious " and even under the present regime there is so " little indication of improvement that any reduction " of the British element would be fraught with " danger." Take, for instance, the city of Chicago. Is not the crime record there very notorious?—We are only concerned with Burma. From the recent summaries published in the papers I find that the crime in Burma is slightly on the downward course at the present moment.

16. Take the case of the Rangoon town. Rangoon as you know is a cosmopolitan city?—Yes.

17. Have you made any attempt to find out the percentage of the crimes committed by non-Burmans? For instance, take the China town where lots of crimes are committed by non-Burmans. I think that though non-Burmans commit crimes they are classified under the heading " Burmans " ?—We have made no attempt.

18. *Sra Shwe Ba* : On page 362 of the Memorandum submitted by the Association of Professional and Business Men in Burma you have used the term " non-Burmans." May I know whether you include Karens under this term?—(*Mr. Foucar*) This refers to non-Burmese subjects, rather than to persons who are not subjects of the Burmese kingdom.

19. And the indigenous races like Karens?—Well, the question of the Karens was not considered.

20. Can you tell us how the funds of the District Councils are raised?—They have the powers to raise taxes, of course, but I do not think they use those powers. At present the funds are made available by allocation by Government.

21. I suppose you realise that it is only a small amount that is raised by taxation of pounds, ferries and bazaars, and do you know that 80 per cent. of these funds goes for educational purposes?—I would not be prepared to say whether that is correct or not. Personally I doubt it.

22. *Sir Arthur Froom* : Turning to page 361 of the Chamber's Memorandum, paragraph 24, have you had before you the Government Memorandum? \*—(*Mr. Wroughton*) No.

23. At any rate in that document page 213\* is devoted to Police and the regard in which the Legislative Council holds the Police, and it gives a long history of various questions in the Legislative Council and of the cuts made in the budget of 1923-24. One paragraph I would like to read to you from page 213,\* and that is this : " Full advantage was taken " of the different budget debates for criticism of " the department which developed on one occasion " into what a member termed ' the exciting and " exhilarating game of Police-baiting.' " I was wondering whether you had this in view when you wrote paragraph 24, in which you say : " The Police " has been a favourite subject of attack in the " Provincial Council." Now, the position I put to you is this. Does your Chamber think, if Police is a favourite subject of attack in the Provincial Council, that the Police are better safeguarded when that department is in the hands of a member of Government and is a reserved subject than when it is in the hands of a minister who holds his office at the will of the Provincial Council?—Yes.

25. Do you think that District Boards and municipalities would have a chance of greater success if they received the advice and, perhaps, the sympathy of the Provincial Government?—(*Mr. Dawn*) I think so.

26. You think there is room for improvement in that?—Yes.

27. *The Chairman* : I am a good deal struck by this passage on page 445,\* part IV, of the Burma Government Memorandum in regard to local self-government. I think it is worth reading : " The " powers of supervision and control possessed by " the local Government and its officers have already " been detailed. In answer to a question as to the

" steps taken by Government to improve the working " of a certain local body the Honourable Minister " replied that ' the considered policy of Government " is to interfere as little as possible with local self- " governing bodies.' On the 5th July, 1927, a " resolution was moved that ' instructions should be " issued to all officials to refrain from unnecessarily " interfering in matters pertaining to the internal " administration of all self-governing bodies,' " and so on. Of course, everybody is against unnecessary interference, but is that all the point? It struck me very much in many parts of our tour. The view which seems to be quite commonly held in the ministry of local self-government is that the ministry of local self-government ought not to interfere with local self-governing bodies. I do not know, of course, what the local view may be, but that is not the English view at all. Our view is that a minister of local self-government and his department has got a most important duty in keeping the local bodies up to the mark, by audit, by inspection and by all sorts of things, and I cannot help thinking that there has been rather a departure from our own ideas there.

*Mr. Rafi* : The local people create the distinction between interference and advice. A deputy commissioner or a commissioner very often raises very minor points, petty points which are somewhat annoying, but which do not carry one far. If there were inspectors as in England, going round, visiting periodically and giving advice, it would be different.

*The Chairman* : It may be so. I am not criticising anybody. I am pointing out the conditions. In England the part which the ministry of local self-government takes is by no means confined to giving advice. If it is found, for example, that rates were not being properly collected, or if there were serious grounds to think that there was misappropriation and defalcation, they would do a great deal more than advise, I can assure you. That is why I think there is a curious difference between the view taken here and the view taken elsewhere. I am not saying that our method is the best, I am only saying that is different.

*Mr. Rafi* : If a municipality raises the pay of an officer and, say, twenty-five members think it is right; one man, the deputy commissioner, comes in and says that that view is wrong. He says that they should not have given that increment, or that they should not have engaged an extra clerk. These are the things that the local bodies resent.

28. *Sir Arthur Froom* : Do you concern yourselves at all with any advance which may or may not be made in any other province in India—it may be the Punjab, Bombay, or Bengal?—(*Mr. Wroughton*) With regard to the form of advance, we are not prepared to make any recommendations, but we do hold that if the provinces in India do get an advance Burma must receive a similar advance.

29. On page 361 of your Memorandum, you say : " The peace and prosperity of the country depend " largely upon the removal of the disabilities which " have been set out above, namely, internal financial " stringency and retarded development resulting " from the diversion of the country's revenues to " the central exchequer; enforced participation in " a protective policy which does not benefit Burma " at all, and the subordination of her interests to " those of the Indian provinces." Then you go on to say that if the " Commission can find means of " removing these disabilities whilst Burma remains " a part of the Indian Empire, commercial opinion at " least will be satisfied." Now, take the steel protection which obtains in India. Many commercial bodies supported that Bill. Or take any protection that might be given for India. What is good for India might be poison for Burma? Can you conceive that India out of a fear of Burma suffering would give up its tariff?—No, I do not think so.

30. So this hope that you express that the Commission might be able to solve the difficulty is setting

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the Commission rather a difficult task?—Our view is that we like to remain part of India and yet get as far away from Indian politics as we can, if that is possible.

31. You do not expect India to give up a policy which they regard as the correct one, say, to protect the steel industry in India. And then there is another suggestion that India should have a reserved coastal trade, which, you say, would hit Burma very hard. Do you expect India to give up those objects for the satisfaction of a province like Burma? Do you think it is reasonable that India would do so?—No. With regard to steel, for instance, I do not think Burma would object to this import duty on steel if the money went to make cheaper houses in Burma or for the development of the province. If the steel duty, which goes to the Central Government, came to the Provincial Government we should not worry about it.

32. But this particular duty on steel was only started for the benefit of the steel industry in India and not for the development of Burma, or to build cheaper houses in Burma?—But it has made dearer houses here.

*Sir Arthur Froom* : It has made dearer houses in India, too. I only point this out. You say : "If your Commission can find means of removing these disabilities," etc. I am not a Commissioner, but a member of the Committee; but it occurred to me that you were setting the Commission a very hard task.

33. *The Chairman* : That is nothing new! I suppose what may have been in your mind was something of this sort. I do not know whether such a thing is practicable. Might it be that you were thinking of something of this kind, that while remaining within the boundaries of India you should yet be in some way or other for some purposes separated; say, for fiscal purposes, without actually passing beyond the boundaries of the Government of India?—Yes, we have that in mind.

34. *Sir Arthur Froom* : As regards any advance in Burma to provincial self-government, are your ideas in any way influenced at all by Burma remaining within India or outside India?—No.

35. Whatever advance you may be prepared to concede towards provincial self-government in Burma is not altered in any way whether Burma remains part of India or whether Burma is separated?—No.

36. *Sir Hari Singh Gour* : Following up the last question about the Steel Protection Act, is it not a fact that the Steel Protection Act protects everybody in Burma who wishes to start a steel industry equally with those who wish to start a steel industry in India?—Yes, but we have got no coal to start it.

37. The Madras Presidency might just as well complain of the steel protection bounties, because they have no coal and they have no steel?—In Madras they can buy steel at the Tata works and rail it to Madras. Here, you have to take it to Calcutta by rail and then by sea to Burma.

38. The freight from Jamshedpur to Rangoon is the same as from Jamshedpur to Madras. Or, take the case of Tuticorin or of the Punjab. Steel has to be carried from Jamshedpur to Calcutta and from Calcutta to the Punjab, all by train, and the Punjab has no steel industry. The Central Provinces, too, have not got a steel industry. So when you are a part of the whole you cannot take it compartmentally and say that every duty or every tax must benefit you or that you must get a share. You can only participate in the general benefit that accrues to the Empire. If you take it compartmentally, one tax may benefit you and the other tax may not. You must take the sum total of all the benefits you receive as members of the Empire. Is that not a sound proposition?—I think so.

39. Take for instance the case of the bamboo pulp. You remember they exploited bamboo pulp in Burma and lost 20 lakhs of rupees. That industry was protected and an effort was made to utilise your

pulp and on that an experiment was made, on which Rs20 lakhs were sunk. Now supposing it had been a success—it might be still a success—it would have benefited you. It may lead to better results, and then you will benefit by it. Is that not so?—We do not dispute that we get benefits from being associated with India.

40. Take the bamboo paper industry or the bamboo pulp industry or the export duty on hides. Now, supposing you wanted to start a tannery that would benefit you. It gives you an opening to develop an industry locally if you wish to do so?—We have already tried the tanning industry and failed.

41. You have failed, but somebody else may succeed. It gives you a chance. The point is it gives you a certain measure of protection because yours is a nascent industry, and as such as business men you recognise that this protection is not any discrimination against you any more than it is against Madras or the Punjab. It is to the benefit of the country as a whole, of which Burma is a part. If you look at it from that point of view do you not think as commercial men that it is for the protection of the country as a whole? Take, for instance, your own country, England. You have protection of silk and gloves. Because of the fact that silk and gloves are not made in every county in England, your county council cannot rise up against Parliament and say : "We do not make gloves; why protect gloves? We do not make silk; why protect silk?" That exactly is the position in India. The fact that you do not make these does not in the slightest degree stand in the way of protection of the industry, because it helps everybody, including yourself? (No answer.)

42. As regards the constitutional question, you have very rightly said in paragraph 21 (page 361) of your Memorandum that : "Owing to its lack of knowledge of the inside working of the reformed constitution, and of the difficulties which have been encountered, this Chamber does not feel itself competent to express in more than very general terms its views as to the direction which further modification of the constitution should take." But at the same time associated as you are and have been for a very long time with the people of Burma, you cannot help observing certain facts upon which you might be able to help the Joint Free Conference. The points upon which I should like to have your information are points set out in the Memorandum of the Association of Professional and Business Men in Burma. There are three points in that Memorandum and you can say whether your experience justified the statement of facts mentioned by that Association. The first is at the bottom of page 362 :—"The idea of self-government or, indeed, of any form of representative government, is entirely alien to their traditions and upbringing." And this is just as much true of the period of British occupation as it was of the earlier days of the independent kingdom. Until a very few years ago the Burman was content to leave the entire direction of affairs in the hands of the rulers : In fact, he did not even know of any other form of Government." And then you find this in paragraph 3 :—"These considerations have led to the formation of this Association with the object of laying before your Commission reasons which convince its members that, so far as Burma is concerned, the stage has not yet been reached when a political advance can be made even as far as a constitution on the lines of that now proposed for the Colony of Ceylon." And then at page 362 the Association says :—"It must be noted too that the average Burman, though not altogether illiterate, is ignorant, and the administration reports show that he is lacking in self-restraint and is of a credulous disposition. Consequently he is easily led or misled. Such being the case, the normal process of educating him politically should have been gradual and progressive." And then later

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[Continued.]

at page 364, it is said :—" There is lacking at present " amongst the lower classes all sense of co-operation, " public spirit and responsibility, and, until some " such feeling is acquired, no good purpose can be " served by the grant of further powers to the " classes concerned." I am simply putting these together so that you may be able to understand the points I wish you to give us some information about. Now the sum total of the views of the Association are that Burma has had no tradition or self-governing institutions for any length of time, that Reforms were introduced for the first time in Burma only in 1922, a matter of only about six years now, that the masses are lacking in self-respect, are credulous, there is a great deal of crime and they are at present lacking in any spirit of co-operation and public spirit and responsibility so as to be able to carry on the work of a self-governing administration. Are you in agreement with those views?—(Mr. Wroughton) We are not prepared, sir, to be cross-examined on other people's Memoranda. We do say that if there is to be any further advance in self-government in the provinces in India, Burma must have the same degree of it.

43. I will come to that later. It is only your experience bearing on the statement of facts contained in the Association's Memorandum that I want, from what you have been able to observe and see for yourself.—I am not prepared to say that those are not correct, and my own personal view is that you cannot put back the hands of the clock.

44. That is a question of policy with which we will deal next. But are you in general agreement with those statements of facts? That is the point?—(Mr. Howison) Speaking for myself I may say that my own personal opinion is that those statements are substantially correct.

45. Then we go on to the next statement. It is perfectly true that in 1922 Burma was given a measure of constitutional advance on a line with that given to India, and it would be impossible to put back the hands of the clock, as you have put it. But if the matter has to be decided for the first time to-day, and we have not got the fact that we stand committed to a measure of advance already granted to Burma in 1922, if we had to start on a clean slate and we have not anything written upon it before, then would you think that in view of these circumstances which your experience has borne out now any advance in the direction of constitutional expansion of the country would be justified?—(Mr. Wroughton) It is too problematical, sir. I cannot express any opinion on that.

46. When you say, gentlemen, that if India gets any advance, Burma also must get the same measure of advance, you feel that that is because, whether rightly or wrongly, deservedly or undeservedly, Burma should not be left back in the race?—No; that is because the Burmese are a proud race and a very capable race in many ways, and I think they have acquitted themselves as well as any other province in India under the Reforms, and therefore we think that if the Conference decides that other provinces should get any further measure of Reforms, these people also must get the same.

47. And if other provinces do not get, you should not also get; that is a question of relativity—if India gets, why should not we also get?—It comes to that of course.

48. The whole question, therefore, turns on this; Burma got Reforms because India got it, and if India gets further advance, why should not Burma get, too?—We say that Burma deserves advance if India gets it because Burma has acquitted herself well.

49. The position is really historical. Historically Burma got advance as India got it, and therefore it would be extremely invidious for Burma to be left out when India gets further instalment of Reforms. That is the position. If you do not wish to answer

that question, I will not press it?—I think I have expressed my idea as far as I can.

50. As regards the question of Law and Order, while making no recommendation on the future constitution of Burma, you do make a recommendation as regards the reservation of Law and Order in paragraph 24 of your Memorandum. You have said, in answer to a question put by one of my honourable colleagues, that it is perfectly true that there have been attacks and irresponsible criticism on the police administration of Burma, and you have further said that so far as the province of Burma is concerned there has been no such thing as " Dyarchy." Mr. Hartshorn put you the question that if there has been no difference at all in the practical actual working of Law and Order, what difference would it make if instead of being managed by a member it is managed by a minister?—Law and Order at present, I think, is managed by a committee with the Governor at its head.

51. But supposing we had a minister with the Governor at the head?—It was not Law and Order that was subjected to irresponsible criticism. Irresponsible criticism cannot be carried home to Law and Order under the present form of Government.

52. Are you quite sure about that. It has been carried home as one of my honourable colleagues pointed out to you, that there was an attack on the police which was immediately followed up by a re-organisation of the police, abolishing certain outposts and reducing the number of policemen, with the result that there was a recrudescence of crime?—I am not prepared to admit that the attack on the police by the legislative council was the cause of the appointment of the Police Enquiry Committee.

53. But you replied to that question in that strain?—The police re-organisation took place after that, but I am not prepared to say that it was as a result of that attack.

54. But are you prepared to go as far as to say that the criticism of the members of the legislative council as regards Law and Order and the Police being a reserved department has not influenced the decision of the Local Government in that respect?—I am not in a position to answer that question.

55. And therefore it makes very little difference if the Law and Order and the Police are in the hands of ministers so far as the criticisms are concerned. On the other hand, when they find that Law and Order and the Police are their own department in the hands of a responsible minister and that they are responsible for working it, they will begin to feel a greater responsibility?—I am not prepared to accept that view myself.

56. Are you prepared to dissent from that view?—Yes.

57. As regards the presence of the official element in the legislature, it has been pointed out to us in several provinces that that is an impediment in the way of formation of parties and the formation of party programmes. Have you got any view on that?—We discussed it over and over again, but the subject is so wide that we could not come to any conclusion on it.

58. So I take it that so far as the question of Law and Order and the question of further advance are concerned, those are not matters on which you are prepared to be cross-examined?

Lord Burnham : In answer he said that they were opposed to the transfer of Law and Order.

Sir Hari Singh Gour : That, of course, is the answer; I was asking the reasons for it.

59. The Chairman : I thought your question was about the official bloc?

Sir Hari Singh Gour : Yes.

60. The Chairman : I think it stands like this, that these gentlemen, who after all are a body of business men and gave their views on a certain number of topics, say, and quite naturally, that as a body they do not profess to have examined all the constitutional questions which may be suggested to

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them and that they would rather decline to offer their views about them?—Yes, sir.

61. *Sir Hari Singh Gour* : Now, passing on to the next question of the safeguards in the constitution of India and Burma, at page 361 of your Memorandum you have laid down two conditions. The first is the provision for definite and adequate safeguards against discrimination in any form, on grounds of race or religion, and secondly you say :—" Another form of discrimination against which definite provision is essential is the reservation to any one section of the community of the right to carry on any particular form of commercial activity . . . " By that I presume that you want two things to be safeguarded in whatever constitution is given; one is the safeguarding of persons, irrespective of race or religion, and the other is the safeguarding against any discrimination and reservation to any one section of any particular form of commercial activity?—Yes.

62. As regards the safeguarding of race or religion, I may just point out to you one statement in your own Memorandum. In paragraph 27 (page 361) you say :—" Already Burman politicians have passed legislation " (which, however, subsequently failed to receive the assent of the Governor-General in Council) of " which the result would have been to restrict the immigration into Burma of the Indian labour upon " which the prosperity of the country largely depends. " Any measure of this description should be excluded " by provisions in the constitution. " Was your body opposed to the Sea Passengers' Tax Bill?—Yes.

63. You think that the Sea Passengers' Tax Bill was forced upon the Government by the Burmese opinion here? What was the origin of it? How was it that the Government sponsored that Bill?—I believe it was a Government Bill intended to increase the revenue.

64. You yourself pointed out that it was a Bill which was vetoed by the Governor-General and the result of the Bill would have been to restrict the immigration into Burma of Indian coolies. Do you not think that would have crippled the industrial activity in Burma and that it was not good for Burma itself?—It was a bad Bill.

65. And you might have other bad Bills of that character?—Yes.

66. And therefore you as commercial men would desire that whatever constitution is given, there must be a sufficient safeguard against repetitions of actions of this character?—Yes.

67. Now about the Europeans controlling the minerals, timber, and so on. You said that you have about 25 per cent. of control of paddy . . . ?—Not control exactly.

68. I think you meant that it passes through the mills owned by Europeans?—Yes.

69. In whose hands is the other 75 per cent.?—Burmans, Chinese and Indians.

70. Can you tell us what percentage is in the hands of the Burmans, the Chinese and the Indians?—I cannot say.

71. In the case of minerals and timber you have the largest share of it?—Yes.

72. And who have got the balance?—Burmans, Indians, and Chinese.

73. So far as your experience of Burma is concerned, do you think that the immigration of Indians to Burma has been conducive to the development of Burma, or has it not been?—Yes, it has been.

74. I find in the Memorandum of the Burma for Burmans League, it is stated, on page 388 (I wish to read it to you, and that, of course, has been repeated by one of the protagonists of the separation movement) : " Let us consider now the economic " problem of the country. It requires every year about " 25 crores, two hundred and fifty million rupees, to " finance the cultivators for cultivating their lands, " as there is no State-aid system in Burma. The " Natukotta Chettiyar (money lenders) from Southern " India come over here solely to lend money on

" interest ; not at 5 or 7 per cent. per annum, but " from 18 to 60 per cent. and even more than that " in certain cases. These financiers also take away " nearly about 2½ crores—25 millions—as interest. " These moneys are never spent in Burma, but only " in India. Again, the weekly remittance to such " places from Burma by Indian wage-earners, " labourers, etc., amount to Rs100 lakhs per year. " Now, what do we get in return from India for these " large sums so taken away? Echo answers, what? " Do you think that is a correct statement? Instead of echo, you answer?—I think the man from India is a very good labourer.

75. And he is necessary for the development of the country?—That is so.

76. As regards separation, you have said on page 361 : " If your Commission can find means of " removing these disabilities " (that is to say, the disabilities which you complain of, namely, that you want more money for the development of your province and that there should be a more equitable adjustment between the Central and Provincial revenues) " whilst Burma remains a part of the " Indian Empire, commercial opinion . . . will be " satisfied " ?—Yes.

77. Then you say : " But in case it is not found " possible, this Chamber can see no alternative " but to press for the separation of Burma from " India, an alternative which the section of the " Commercial community already favours. " Supposing there was a financial expert Commission commanding the confidence of all business men, including yourself ; supposing one of your representatives is placed on this Commission, one from the Central Government and one from the Government of Burma, to thrash out the whole problem in a purely commercial spirit, and they came to the conclusion that Burma was not being over-taxed or was not making a larger contribution to the upkeep of the Central Government, would you not then be satisfied and not press for separation?—We will not press for it.

\* \* \* \* \*

78. *Sir Hari Singh Gour* : Yes. You are only using separation as a lever to a better adjustment of financial relation between yourself and India?—I may put the pros and cons for separation as the Chamber sees them. If I might elaborate the views we have expressed, we see that if India is to be granted Dominion Home Rule, Burma would like to be separated. We see that the control by Indian officials of pure Indian extraction is not accepted unanimously by the Burmans. We see that Burma's agricultural needs at the present moment are suffering. On the other hand, we believe in the maxim : " Unity is strength, " and fear anti-Indian legislation. We think that the prosperity of this province very largely depends on a free flow of Indian labour into this province and on free trade with India. If the disabilities which we have referred to in our Memorandum are removed and sufficient constitutional safeguards are provided, we would prefer to remain a part of India.

79. The point is this : At present your complaint is not against the Dominion India, but against the British India ; all the complaints that you have made as regards the unfair treatment of Burma by India is not by the Dominion India, but by the British India. What reasons have you to believe that a self-governing India would not be very much better than the bureaucratic India and that it would not pacify the people?—(No answer).

80. *The Chairman* : Was the tariff on steel supported by the majority of the elected members of the Legislative Assembly?

*Sir Hari Singh Gour* : Yes.

81. *The Chairman* : Was the export duty on hides supported by the majority of the elected members of the Legislative Assembly?

*Sir Hari Singh Gour* : I do not think it was.

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82. *Lord Burnham* : It was forced by the Government of India?—Yes, against the wish of the Assembly. They were all Bills moved by the Government of India on the report of the Tariff Board.

83. *The Chairman* : I do not suppose that anyone can devise a Constitution for India in which new taxes could be proposed except on the authority of the Government. But the question is whether there was a majority?

*Sir Hari Singh Gour* : I am not sure.

*Sir Arthur Froom* : It was a very controversial measure. The Steel Bill, I think, went through a big majority.

84. *Sir Hari Singh Gour* : In answer to a question from my friend on the other side, you have said that Burman opinion on the question of separation is divided. There are those who say that if Burma is isolated there would be no political advance and, therefore, we must remain joint and not separate, just now. And there are those who say we must separate. The reason that the non-separatists or the unionists, as I might call them, give is that they might be isolated and they may not get the political advance they want. But what is the reason that the separatists give?—As I said before, Burma would be unanimous in favour of separation if India were to be granted Dominion Home Rule, and the main reason for that is that the Burman does not accept willingly the control of Indian officials of pure Indian extraction. I do not think the Burmans collectively like Indians.

85. But do you not think that the Indian official is necessary for the sake of efficiency?—Not necessarily.

86. What is the view of the Chamber as regards Indian officials being sent over here?—We have had only a very few of them.

*The Chairman* : I think the point is quite clear. The view of the witness is that if the Central Government of India was completely in the hands of the majority of India and, if as a result of that, the administrators were Indians, Burma would not accept that position.

*Sir Hari Singh Gour* : It is a hypothetical case that you are putting forward.

*The Chairman* : But it is a material observation to make if you are contemplating Dominion Status.

87. *Sir Sankaran Nair* : You know (and if you do not know, you may take it from me) that the administration of local self-governing bodies like municipalities, district boards, and similar institutions, have suffered in India from lack of funds; they have not been able to carry on the administration satisfactorily because funds were not forthcoming. I see from the reports that this is the case in Burma, too. Take it from me, also, that while the administration was in the hands of the officials they placed roads and communications first, education next, and health last of all. After the control was handed over to the transferred departments it is just the other way. I am only showing that there is a direct conflict of opinion between Indians and officials in that respect. They are now spending as much money as they can upon health first, education next, and roads and communications last. If, therefore, the authority goes back to the bureaucracy the native apprehension is that the result would be just the same; that due provision will not be made for health out of the funds available; it will not be utilised for education, but that more money will be spent on roads and communications. In Burma, too, I find it is just the same; that is, the district boards have been spending more money on health; next, education, then comes the public works. In fact, there is scarcely any increase in expenditure on public works. I can give you references; see page 441 of Part IV of the Government Memorandum.\* "The total expenditure on Medical Services

"increased from Rs4.16 lakhs, in 1923-24 to Rs "6.74 lakhs, in 1926-27. . . ." Now, in view of that and a possible conflict on that point which exists, would you advocate a return to bureaucratic control again? I understood you to say that there must be more control in the hands of somebody at headquarters. I accept the control if it is in relation to the mechanical part of it, to the recovery of revenue and so on, but for myself, I oppose that if it will interfere with the policy of the District Councils or District Boards or Municipalities. With reference to that, have you got any observations to make?—(*Mr. Wroughton*) No, we have no observations to make.

*The Chairman* : It is a very interesting observation which Sir Sankaran makes on the figures. I look at it from that point of view. I may say at once that it may well be that there has been a change because there has been stringency, but when I speak of our own ideas in England and the Central Government keeping control, I do not mean that the Central Government defines what the money is to be spent on, but it rather maintains a certain standard of administration.

*Lord Burnham* : May I draw Sir Sankaran's attention to part IV, page 441\* in which it says: "Little interest is evinced by District Councils in "matters of sanitation and public health." That is a reflection on the attitude of the general public.

*Sir Sankaran Nair* : You will find what I have stated on page 441\*; and then comes the next one about water supply.

88. *The Chairman* : You are referring more particularly to "medical"?—(*Sir Sankaran Nair*) Yes.

89. *Sir Zulfiqar Ali Khan* : In your statement you have stated that you would not advocate the policy of transferring Law and Order to a minister?—(*Mr. Cristall*) Yes.

90. I should like to know your sentiment and your experience with regard to the working of other departments under the ministers. Are you satisfied with the administration of these departments?—I am not prepared to say either way. We have no reason to be dissatisfied. In recent years the Government has functioned a little slower than usual, but otherwise we have got no real complaints. We are not prepared to say whether we are satisfied or dissatisfied.

91. If you are not dissatisfied, you are not satisfied either?—No.

92. What is your precise attitude?—We have not as a body come greatly into contact with the Government.

93. What are your hopes for the future? Would you, for example, look forward to Burma under the administration of these ministers, knowing the Burmese as you do, with hope and satisfaction, supposing Burma is separated from India. For the sake of argument, let us assume that. Then, Burma would be under the control of the ministers. Do you look forward to it with satisfaction?

*Sir Hari Singh Gour* : They will not be here then.

*Sir Zulfiqar Ali Khan* : What do you say?

*The Witness (Mr. Hawson)* : We do not know how things would be under the conditions then obtaining.

*The Chairman* : The future is always a little uncertain, is it not?

*Sir Hari Singh Gour* : They look forward with misgivings.

94. *Sir Zulfiqar Ali Khan* : I understand that most of the important departments of trade are now in the hands of Europeans, Indians, and the Chinese. The Burmese have, perhaps, a very insignificant share. In regard to the export trade the Burmese have very little share?—Yes, very little.

95. Then, with regard to the government of the

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[Continued.]

country, you are very doubtful, and with regard to trade and commerce you say that the Burmese have very little to do; that they are merely producers. Then, supposing Burma is separated from India, in what way will the Burmese control their own destiny?—(Mr. Wroughton) If separated the Burmese would be controlling the Government very largely.

96. You, yourself, are very doubtful about the Government. And with regard to trade, the Burmese have very little share. So what do the Burmese get?—I do not quite follow your question.

97. *Sir Hari Singh Gour*: What he means is this. Can you, speaking for the Burmese, say what advantage will it be to the Burmese if Burma is

separated from India?—It is largely a matter of national pride.

98. And no profit?—(No answer).

*Sir Hari Singh Gour*: The thing I was going to say, sir, was this. When I referred to British India and Dominion Status in India I was dealing with the distribution of funds. The Legislature has been complaining, and complaining bitterly, that the funds that the Government of India raise are not evenly distributed. If we get Dominion Status we will stand by you and give you better justice than you have been receiving from the present Government of India. That is what I mean.

### MR. R. K. HARPER, I.C.S., called and examined.

99. *The Chairman*: You are the Collector of Rangoon.—Yes.

100. We were told that you might be able to give us a little information as to how elections are really conducted here. I have only just two or three questions to put. A description was given to us, more particularly in reference, I think, to municipal elections here, suggesting that at any rate the coolie vote was not always very accurately tendered. It was suggested that a coolie came in and handed in a name but it was not necessarily his own name, and so forth. I wish you to tell us whether you think elections in Rangoon have worked reasonably well from that point of view or whether you think there is a good deal to be improved?—I think there have been cases where coolies came and voted under false names, but I do not think the cases have been very many. In the last elections which were held in November we had a few complaints of coolies getting into the booths and being unable to substantiate their names or their fathers' names. There were one or two instances in one or two Indian polling booths. When these cases occurred we asked questions, and unless satisfactory answers were given the man was not allowed to vote, but a tendered vote was recorded for him.

101. I do not quite understand how the thing in fact works. In the ordinary way does the presiding officer know the coolie personally before he comes in?—No, that is not possible. Clerks are appointed, and it is the duty of these clerks to question the men and satisfy themselves as far as possible as to identification.

102. I am sure it is, but I want to know how such a thing can be done. How can you satisfy yourself as to the identity of a man if you do not know his name? How is it done?—The only thing you can ask is where he lives and one or two other questions in order to try and substantiate that he has a true claim.

103. A man may come in and declare that he is somebody else. What is the check?—The only check is that you have to press him in hope of his forgetting something with which you can catch him. That is about the best that can be done under the existing conditions.

104. It is rather a test of memory largely?—It is more a test of memory in the case of the mass of the coolies. If they have a good memory they can carry it off several times successfully; if they have a bad memory they will be caught.

105. I do not suppose you have experience of elections in any other place? The only experience I have had is in Rangoon.

106. Does the system work fairly efficiently on the whole?—I think considering all the circumstances it is about the best that can be done at present. As long as you have a lot of uneducated people who are not able to stand up for their own opinions, and have only a mass feeling of what is

right or wrong, I think this is bound to happen, and I cannot think of any particular way of overcoming it.

107. *Mr. Hartshorn*: Have you seen anything of this kind happen at an election? It frequently happens that before the poll opens the candidate in control of the coolie vote, or his agent, surrounds the entrance to the polling booth with a lot of labourers who have been instructed to keep out anyone not belonging to his own particular class. Does that kind of thing occur at elections?—I came across two instances where complaints were made to me when I visited the polling booths at the last election that, because there were some persons outside they could not get into the booths, that the other party was crowding them out, but I found it impossible to verify it. It might not have been due to that at all, but to the keenness of the two or three parties who were trying to get the votes for their candidates. It may not be due to pre-arrangement.

108. But are any steps taken to prevent that kind of thing happening?—Steps were taken by providing police and trying to clear the booths and to keep them (the crowd) as far away from the doors as possible; but when you have a seething crowd filling the whole street it is exceedingly difficult to do anything.

109. *Mr. Rafi*: Although the tellers may not know the voters, is it not a fact that the workers of the candidates know them?—The candidates appoint their agents in each booth and it is the duty of these agents to assist and to identify the men, but, if the agents are dishonest, I do not think that it is an additional check. If they are honest it is an additional check.

*Mr. Rafi*: I just wanted to point out this, that the candidates have their own men there, men who are considered to be in a position to recognise or identify the voters.

110. *The Chairman*: I suppose each candidate has only one man there?

*Mr. Rafi*: We generally have ten or twelve, and at times we have a crowd of people waiting there to detect any cases of personation.

111. *The Chairman*: Do you mean inside the polling-booth?

*Mr. Rafi*: No, outside.

112. *The Chairman*: How do you detect in the crowd outside a case of personation? How is it done?

*Mr. Rafi*: In front of the booth, at the entrance you generally find people holding up cards of various colours belonging to the different candidates contesting a particular constituency. Now, we have got our men there at the place where these crowds assemble to see whether anyone who is not entitled to vote is coming in to vote or not, or whether he is holding a card to which he is not entitled. For instance, we take a particular street, say the Merchant Street. We have got one or two from Merchant Street watching our interests at the booth, to see



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[Continued.]

whether anybody is there who is not entitled to vote.

113. *The Chairman* : Ten or twelve people employed by a particular candidate outside the polling-booth to try and prevent that?

*Mr. Rafi* : As far as possible to try and detect cases of personation.

114. Whenever the workers detect any cases of personation, they draw the attention of the Presiding Officer to such cases?—In the first place, the people you have mentioned stay outside the booths. They are non-officials and have absolutely nothing to do with the officials.

115. Probably they are supposed to help the election agents or the candidates?—Candidates have their own agents officially inside the booth. Their number is strictly limited.

116. *The Chairman* : How many?—One each. What happens outside is quite unofficial. It is very difficult to check these people. If any election agent discovers anything wrong he would be listened to and his case recorded if it were reported to the Presiding Officer.

117. *Mr. Rafi* : When reports are made of cases of personation, you take steps immediately?—Yes.

118. *The Chairman* : What sort of steps?—The man is brought up and examined, and the Presiding Officer after enquiry comes to the conclusion whether the complaint is genuine or not.

119. *Mr. Rafi* : Do you know that each agent has got several workers, even ten or twelve, studying the interest of the candidates and trying their best to detect cases of personation.

*The Chairman* : It is the most depressing thing that I have heard, if it is the case that a candidate has to furnish himself with ten or twelve men for expressly trying to prevent personation. If that were so, then cases of personation must be rampant.

*Mr. Rafi* : But very few succeed in personating.

120. *The Chairman* : In the course of an election, how many dozens of cases are successfully stopped, you think, by this army?

*Mr. Rafi* : The very fact that there are persons outside to watch makes it very difficult for them to get into the booth, and the result is that only very few of them are able to personate.

121. *The Chairman* : I do not know if any one of you, gentlemen, wants to add anything to what Mr. Harper has told us. For myself, I should have thought that the situation was a very difficult one to deal with, and I quite sympathise both with the candidates and with the officials who are doing their best to prevent it.

*The Witness (Dr. Murray)* : I can give you, sir, an instance which happened only the other day when a lorry-load of coolies from one street, all of them genuine voters, was brought in, and they found that every one of their names had been crossed off as having already cast their votes.

122. *Colonel Lane-Fox* : Who found that out?—*(Dr. Murray)* They came in and asked to be allowed to vote, and the man in charge found that votes had already been cast in their names.

123. *The Chairman* : It is a serious thing and, presumably, it was made the subject of a formal complaint?—I believe it was.

124. As a matter of fact, Mr. Harper ought to be able to give us information about that?—*(Mr. Harper)* If any complaint had been made, sir, it would have been taken up and investigated immediately, but no complaint of any sort was made regarding that. And, as far as I know, there has never been an official complaint to that effect.

*The Witness (Dr. Murray)* : I am not quite sure, sir, whether it was at the municipal election or the election to the Legislative Council. Of course, I know, Mr. Harper deals only with the Legislative Council election.

125. *The Chairman* : Is there anything which occurs to any of you gentlemen, and which you can suggest by way of improving the regulations or the rules? We want, as far as possible, of course, to be helpful and not critical.

*Mr. Rafi* : We may, perhaps, adopt the employers' system of taking the thumb impressions of these labourers. Such impressions may be taken about six months before the election starts, and in case of doubt the thumb impression of both the persons whose identities are doubtful may be taken.

## Memorandum submitted by the Burma for Burmans League.

NOTE.—Since writing the Memorandum and the Draft Constitution of the "Burma Free State" on behalf of the Burma for Burmans League, an All-Parties Conference was called by the Separation League for an agreed Constitution for Burma. I was deputed to attend on behalf of the Burma for Burmans League.

The Conference was held on the 12th January, 1929, at the office of U Maung Gyee, Barrister-at-Law, ex-Education Minister, to consider the Separation League Constitution entitled, "The Burma Free State."

The policy and the principles are the same as that embodied in the Draft of the Burma for Burmans League. Both are based on the Constitution of the Irish Free State. That of the Separation League is an outline in brief, whereas the Burma for Burmans Draft is an expanded one.

The many Associations that responded and that attended the Conference have accepted the "Burma Free State Constitution" of the Separation League as the basis of the agreed Constitution for Burma.

Rangoon,

GEORGE H. MUNRO.

31st January, 1929.

### PART I.

#### INTRODUCTORY.

A public meeting was held on Saturday, the 28th July, 1928, at the premises of the Burmese Tipitaka Publishing Company, Sule Pagoda Road, Rangoon, for the purpose of taking steps to advance Burma in view of the Statutory Commission appointed under Section 84A of the Government of India Act, visiting Burma on the 29th January, 1929, for inquiring into the working of the system of Government, the growth of education, and the development of representative institutions in Burma, and matters connected therewith; to report as to whether and to what extent it is desirable to establish the principle of responsible Government, then existing in Burma, including the question whether the establishment of a Second Chamber of the local legislature is or is not desirable and on any other matter affecting British India referred to the Commission by His Majesty.

U Ba Sein, T.P.S., Statistical Officer, Burma Railways, was voted to the chair.

After discussion, the meeting decided to form a League to be known as the "Burma for Burmans League," with the following objects:—

- (1) To work for the progress and prosperity of the Burmese people.
- (2) To make every effort by Constitutional means to secure for Burma the status of a self-governing country on the lines of Ireland, Canada, or South Africa, or in other words, Dominion Home Rule Status.

The meeting considers that the pressing political problem is to get Burma immediately separated from India and regards that this should be an object which the League should specially carry out.

It was decided that membership would be opened to all Burmans of both sexes; those born in Burma and are able to read and write Burmese; those not born in Burma but are able to read and write Burmese and have decided to settle down in Burma for life and acquire Burmese domicile.

It was decided not to collect subscriptions or admission fees but to collect donations for the purpose of raising a political fund.

U Ba Sein, T.P.S., and Dr. U Nyo, LL.D., were elected Patrons.

The following were elected office-bearers:—President: U Myo, A.M.P.; Vice-President: U Ba Saw; Honorary Secretaries: Saya Shwe, Manager, Tipitaka Publishing Company; Mg. Pan Maung, Manager,

Thudhammawaddy Press; Honorary Treasurer: U Ba Maung, Proprietor, Swezonkyawdin Pitaka Press; Auditor: Saya Sein, Manager, Burma Oil Company.

The elected Committee members are:—U Po Thein, U Ba Pe Latt, U Cassim, U Ba Thi, U Tun Lin, U Tun Nyun, U Po Yin, U Set, U Po Pe, U Thein Pe and Mr. George H. Munro, co-opted member.

It was also decided to convene an All-Burma Mass Meeting to consider more fully, at the Jubilee Hall, the question of Separation from India.

2. The All-Burma Mass Meeting was held at the Jubilee Hall, on Sunday, the 26th August, 1928, at about 11-30 a.m. The Hall was packed, some five thousand Burmans from all parts of Burma attended, including Chinese, Indians, Europeans, Anglo-Burmans and Anglo-Indians of Rangoon. There were about thirty members on the platform. Saya Myo, Aggamahapandita, Burma, presided, Saya Shwe read a *Yadu* composed for the occasion.

The Chairman delivered his presidential address in Burmese. The following is a literal translation of the speech delivered.

### SAYA MYO'S PRESIDENTIAL ADDRESS.

#### THE SEPARATION QUESTION.

Burma, radiant with the lustre of the religion of the Buddha, lavishly endowed by nature with resources of various kinds, having a climate equable and salubrious—appears as it were to attract those who had never been here before; to enchant those who come here to remain in it ever more. Capable of shining in her own glory, Burma, has therefore, become the cynosure of the world's eye as the gem that shines among the myriad precious jewels which adorn the crown of His Imperial Majesty, the King-Emperor of Great Britain and of the British Empire.

A succession of Burmese monarchs held sway over Burma till about a century ago when she passed under the sway of the King of the British people. A spell of downward luck in 1247 B.E., brought Burma under the British flag, and being attached to the Indian Empire became the grazing ground of the Indians. Just as the bright and glorious sun illuminating the world for a while, sinks slowly into the western horizon, in like manner Burma has suffered, since the day she lost her King. It may be said by cursory onlookers that the country has progressed and prospered; that her population had increased and multiplied; but those living in the country, priest and laymen alike, having become the victims of the "Five Laws of Destruction," have undergone mental miseries and deep anxieties like unto that of a cane heated in the fire. That is a matter indeed, for the deepest regret.

#### FIVE KINDS OF DESTRUCTION.

The law comprising the "five kinds of destruction" are (1) *Nyartibyasana*: The danger which causes complete extinction of the whole family and relatives; (2) *Bhogabyasana*: The danger which causes the loss of ancestral property leaving one penniless; (3) *Rogabyasana*: The danger which works against freedom from illness and disease, and against decrease in deaths and also against the increase in the race; (4) *Silabyasana*: The danger which works against a man's good conduct and right living; (5) *Ditthibyasana*: The danger which works to the destruction of the religion which explains the true cause and the true effect.

Burma is suffering from these five kinds of destruction and those moaning and wailing are the sons of the soil. And searching for those responsible for bringing on Burma these five kinds of destructions, many learned in political wisdom have definitely placed the charge against India with her 300 millions of population. They have so decided, and have declared that as time goes on no trace of Burma would be left and moreover that the Burmese Nation would

become extinct. The statement made by the Honourable Mr. V. J. Patel, President of the Indian Legislative Assembly, who came here about 20 days ago, that there is no such place as Burma, is worthy of consideration.

The words of the wise, the decisions of the learned in this respect are so true as to be irrefutable. And the reason? Burma with her paltry 13 millions of people having been joined to India with her 300 millions of people, and being placed under the power and authority of India, an innumerable number of the poorer Indians, of an alien faith, or a foreign race, flock to Burma unceasingly. Consequently, the proportion of Indians to the sons of the soil being twenty to one, they have to jostle with each other, impairing the purity of the indigenous race. The danger of race extinction is thus upon us and the statement that the Burmese, as a nation, would soon disappear is true.

And how comes about the danger which causes the loss of property leaving the people penniless, affect the Burmese? Indians come to Burma in increasing numbers year after year and have snatched away from the hands of the people the work and the industries of the indigenous population; and moreover the Central Government takes away over ten crores of rupees yearly. For these reasons, the people of the country are being daily deprived of their wealth and property and are being reduced to a state of poverty.

And again, a poverty stricken people such as ours cannot strive to secure public health, nor can the Government spend lavishly to gain the same object. Consequently, the danger due to disease and sickness has fallen on Burma.

Further, however much a poverty stricken people such as ours may desire to practice faithfully our religion, as becomes Buddhists they are reduced to the level of, to quote the saying, "In affliction even a mother can rarely claim a son as her own offspring." So, they are compelled to commit evil deeds. Consequently the danger due to lack of good conduct has fallen on Burma.

Then also the religion of a people impoverished by being linked to India is day by day decaying and on Burma has fallen the danger regarding the destruction of the religion.

I am sure that all are convinced that these great dangers have fallen on Burma.

I am advocating the separation of Burma from India not because I desire to prevent Indians from coming to this country or staying in this country, but because, in reality, I wish to stem the oncoming tide of the danger of the disruption of our religion and of the extinction of our nation, as well as to get whatever concessions we can to counter the disadvantages Burma is placed under by her connection with India.

It is a matter for the deepest gratification that for the past many years, lovers of the nation, lovers of the country, men and women alike, including the Saungas, have striven hard, by working both outside and inside the Legislatures, to raise the status of the country and the people. I take this opportunity of thanking all those who, actuated by the purest of motives, have been and are still working for the welfare of the country.

I have not, in the past, taken a prominent part in politics and have been content only with remaining in the background as a general helper. But now, public interest in "politics," the haven of victory, to reach which all are striving, has not yet been gained. Meanwhile lovers of the nation, devotees of the religion tired in their limbs, have been reduced to the condition of "neither on a sandbank nor the tide following out." That being so, in consultation with some of those who like myself have an affection for the nation and for the religion, I have started this "Burma for Burmans League." And our members, each assisting in their own way, and shouting out "yo-hee-lay" are pushing their barge of politics forward to make it reach its destination and are

determined to bring this idea of "separation" to a successful issue.

#### THEN AND NOW: A COMPARISON.

In the olden days, the work done by the head of a family sufficed not only for the wants of the family but when with the parents the older children joined in the work, it not only enabled them to clothe and feed the whole family decently, they were also able to buy and dress themselves in beautiful clothes, adorn themselves in gold, silver and jewellery. And over and above that they could sow the seed of merit incurring benefits thereby—the good deed of building *zayats* and *tazaungs*, *pyatthats*, setting up temples of all kinds. In the olden days paddy, rice, oil, salt, foodstuffs such as fowls, pork and fish do not cost what it costs us now. In matters of health, though there did not exist such things as a Health Department or big hospitals as at present, epidemics were rare occurrences in the old days. There were no such things as doctors, and in the event of illness curative measures were undertaken with the help of domestic remedies as those recorded by our forefathers; there where no such things as doctors' bills. In the event of serious illness cure was affected by physicians who through their proficiency had been recognized by the King as "Thamadaws" (Court physicians) or by those similarly competent without so much even an expense as could be spoken of or written down.

Nowadays, not to say anything of maintenance during illness but for maintenance during health, money has to be drawn from a very deep "rupee mine." The work done by the head of a family does not suffice for the upkeep of the family, and even when the whole household, including the children, take a hand in the work, in most cases neither food nor raiment is sufficient. That is the reason why parents have had to withdraw their children from schools as soon as they are able to distinguish between "a letter which conveys the news of death and one which conveys the news of (someone) being alive," i.e., able to read and write. This is the reason why they cannot themselves, as becomes good Buddhists, faithfully adhere to the practice of the religion, and the safeguarding of their nation.

#### INCREASED EXPENDITURE AND TAXATION.

Not to say of the old times—when we consider the events of the past 20 years, we find an increase yearly in the number of crimes, such as thefts, dacoities, rapes, etc., due to lack of self-control, crimes arising out of drink, crimes due to lack of the lobe, such as murder. Owing to these, we find an increase yearly in the expenditure on police and according to the Police Administration report for 1925-26 the expenditure was nearly 104 lakhs and that in 1926-27 rose to 112 lakhs.

The reports on the prison administration show an increase in the jail population. Considering that, according to the Report of 1926-27, the number convicted under 30 years of age was 70 per cent. and the number convicted under 21 years of age was 30 per cent. no right thinking person would deny that people are losing their moral tone. The expenditure incurred in connection with the prison department in 1925-26 is over 20 lakhs and for 1926-27, 22 lakhs, I shall not take up your time by dilating on the matters relating to the administration of justice, etc.

For this increasing expenditure, the burden has fallen on the already impoverished Burmese people. A large amount of revenue has been obtained from Burma in the shape of customs, income-tax, capitation tax, thatamedha tax, land revenue, forest revenue, ferries and fisheries, minerals (including petroleum), posts and telegraphs, stamp revenue, etc., and so it is proper to ask that the increased expenditure be not made the responsibility of the poor indigenous population. What has happened is that the revenues derived from central subjects in the above mentioned sources are not permitted to be spent in Burma.

## BURMA'S TRIBUTE TO INDIA.

The cream of income from these sources is taken out and a yearly tribute amounting to over a thousand lakhs has to be paid to India. Moreover, 64 lakhs from the remaining revenue of Burma had to be contributed to the Indian Exchequer and the Government of Burma had to concert various plans to overcome the difficulty of insufficient means of expenditure in administering the country. I understand, however, that the 64 lakhs contribution has been discontinued owing to the agitation on the part of the Burma Legislature. The Government of Burma is placed in a difficult position as it would be impossible to contrive to get more taxes.

## FINANCIAL CHAOS.

The state of affairs is such that imposition of further taxation would mean "cutting away the flesh." I understand that the Accountant-General who recently came here to examine the financial position of the country reported that Burma's financial affairs would be in difficulties in the near future. If we examine carefully why the expenditure and the income in Burma does not balance, it will be found that because Burma is connected with India. If the ten crores of rupees sent away to India be carried in bullock-carts, it would require 5,000 bullock-carts. If we count the numbers of years Burma had been joined on to India and the money sent to India what pangs does it not cause. And so, if Burma is separated from India, the revenues realised from Burma can be used for the purposes of improving everything in Burma and in about ten years Burma would attain the stage of prosperity as to entitle her to the name of "Shwepyigyi" or "Golden Burma." The "tribute" sent to India in the shape of customs duties is like that of a cruel dacoit or robber ill-treating the inmates of a house. Nor do I think it would be wrong to compare the collection of income-tax and super-tax with that of *Bilus* (ogres) cruelly ill-treating and sucking the blood (of a man). In the past, district officers performed the duties of income-tax officers in addition to their own duties. In order, however to increase the taxes a separate department has been established. Fearing these *Bilus* (Ogres) in the shape of income and super taxes a number of chetties closed down their firms in Burma and taking away 40 crores of rupees have gone to Saigon in Cochinchina under the French to set up business there. In Saigon, payment of 250 silver dollars a year enables one to set up as moneylender without further payment of any other taxes. The fact that these chetties have taken away 400 lakhs of rupees from Burma and the fact that more chetties have gone and are going away, makes one think that the money market is going to become tighter. Singapore which is not under the control of India, but directly under the British Government, introduced income-tax during the Great War owing to shortage of money, but discontinued these taxes when the war was over. Then again customs duties being lower than in Burma, gave relief to the people in several respects.

## THE MILCH COW.

Burma may therefore be likened to a milch cow and the Central Board of Revenue in India to a clever Indian milkman. For several years past, the Indian milkman milked Rs. 1,000 lakhs worth of milk from the Burma milch cow, and fed his wife and children, the Indian people. As for the owner of the cow—the people of Burma, he feels no pity and we do not even have so much as a drop of milk on the tip of our tongues, and when we consider this, is that not a matter for regret? It is only when we separate the cow from the milkman that we can free ourselves from poverty. I am sure that all will realise the advantages to be derived by the separation of Burma from India. At the worst, we can make use of the 1,000 lakhs for the various departments in Burma. We can spend more on education. As the Thathameda Tax and Capitation Tax amounted to

only Rs. 100 lakhs, these can be totally abolished. We shall be able to get our goods cheaper by the reduction of customs duties, and we can even raise a fund for work to get the continued glory of our religion.

In conclusion, I beg that all patriots in Burma would with one voice ask the Simon Commission to separate Burma from India and grant to Burma *Dominion Home Rule*.

3. The following agenda of the business before the meeting was then gone through. The speeches and the resolutions thereon, duly proposed and seconded and supported were all in Burmese, as briefly detailed below in English:

## THE AGENDA.

1. That Burma shall be entirely and immediately separated from India and granted Dominion Home Rule.
2. That all candidates who stood in "B" list of the tenth standard be admitted into the University of Rangoon.
3. That private candidates be allowed to appear for the I.A. and B.A. examinations.
4. To support and recommend the resolutions passed by the failed third grade pleaders candidates.
5. That a Bill be introduced for regulating control of *Saughas* (Hpongyees) and that Government be approached for the purpose.
6. To define the meaning of the word "Burman."
7. That a Committee be appointed to carry out the resolutions passed.
8. That resolution 1 shall be sent to the Viceroy, the Simon Commission, the Governor of Burma and the Secretary of State for India.
9. That meetings shall be held and encouragement be given for purposes of resolution 1 in all parts of Burma.
10. To consider any other business.

## PLEA FOR SEPARATION OF BURMA FROM INDIA.

3. The first and most important resolution, viz., "That Burma shall be entirely and immediately separated from India and granted Dominion Home Rule."

was moved by U Mya U, F.R.G.S., Barrister-at-law, Mandalay. He put forward a strong plea in Burmese for separation of Burma from India. The translation into English of what he said is:

The memorable Declaration made on the 20th August, 1927, by the Secretary of State for India sets forth *inter alia*, that the policy of His Majesty's Government with which the Government of India are in complete accord, is that of increasing association of Indians (and Burmans) in every branch of the administration and the gradual development of India (and Burma) as a self-governing institution by progressive realization of responsible Government, as an integral part of the British Empire; that substantial steps in that direction would be taken as soon as possible; that it is of the highest importance as a preliminary to considering what these steps should be and that there should be a free and informal interchange of opinion between those in authority at Home and in India and Burma.

It is most significant that the war in which all the greatest nations of the world were involved was responsible for the memorable announcement aforesaid by the British Parliament and new issues have been brought home to India and Burma, awakening a sense of nationalism stirring in the hearts of everyone not only in India and Burma but the whole world; and Burma shares this in common with all other lands. For the first time in the history of the Indian Empire, the Secretary of State for India (the Right Honourable Mr. Montagu) came out to India personally to receive from the people of India (and Burma) a statement of what was stirring then in their hearts. Delegates from Burma were sent out to Calcutta and they were commissioned by the

Burmese people in general to ask for, among other things (1) the *separation* of Burma from India; (2) that the status of Burma be raised and provision made for the establishment of a Governor, High Court and University; (3) that the increasing demand for education be liberally met; (4) that the larger share of administrative positions be given to Burmans; and (5) that a new scheme of Self-Government be devised for Burma. After discussion and deliberation between the people of India and Burma and those in authority at Home, the British Parliament was pleased to grant them (India and Burma) the present dyarchical form of Government.

I may mention here that Burma was firstly omitted in the Joint Report of the Right Honourable Mr. Montagu, the Secretary of State for India, and Lord Chelmsford, the Viceroy, when dealing with the Government of India Bill. We have to thank the Burma Deputation, consisting of Messrs. U. Pu, U. Ba Pe, and the late U. Tun Shein, and U. Thein Maung, M.A., LL.B., for having proceeded to England and secured, with the assistance of Mr. Bernard Houghton, I.C.S., retired, and some members of Parliament, equal Reforms for Burma with other Provinces of India.

This form of Government has now been tried in both the countries, and so far as Burma is concerned, I venture to say that it has only met with partial success. Hence the agitation for a further substantial measure of reforms by the people of Burma. The Indian Statutory Commission has now come out to gather first-hand information from us in accordance with the promise made by Parliament, and invited the submission of written statements touching the structure and working of the existing constitution of British India including Burma, and returned to England. This Commission, when it comes back next cold season will, I hold, undoubtedly be the forerunner in shaping the destiny of the Burmese nation; and creation, therefore, of agitation against it will only have evil effects tantamount to political suicide by Burma. In my humble opinion, political leaders have a great responsibility to try to create a calm atmosphere at this psychological moment and make out a strong case for Burma before the Commission which represents the various parties in the British Parliament.

I would now beg to state my views. When we speak of India and the Indians, Burma and its people are always included, because Burma is attached to the Indian Empire as a Province of India. History tells us that Burma became part of the Indian Empire through the political accident of its geographical position at the time of its annexation, because it was then found that Burma could not be directly and efficiently controlled from England, as India was nearer. It was therefore administered through the Indian Government as a matter of convenience.

We Burmans, as a race, had our own kings continuously before the advent of the British, for more than 1,000 years, and are proud of our own race as every nation has its racial pride. Lower Burma was annexed about eighty and Upper Burma forty years ago. We have one race (Burman), one language (Burmese), one religion (Buddhism), one ideal, and one style of dress without any caste or distinction, while our manners and customs have remained free of diversity. Since the annexation there has been an inrush of non-Burmese races into our land. Out of a population of 18,000,000 people, there are 3,000,000 of foreign races, that is, 2,500,000 Indians and 500,000 of all other races. Of this 3,000,000, let us assume that 2,000,000 have been absorbed into the Burmese nation by marriage, lawfully or otherwise, with Burmese Buddhist women. The issues of such union could not *ipso facto* be pure Burmese, and the religious faith of such children would be non-Buddhist, as the children generally follow the religion of their fathers. Practically, we have now only 10,000,000 who can be called Burmans. This number includes the indigenous races of Burma,

such as Shans, Karens and Kachins. So, within an average period of sixty years of British Rule in Burma, if Burma could possess 3,000,000 people of non-Burmese races professing non-Buddhist faith, what would be, by calculating arithmetically, the population of the non-Burmans in another 200 years? It will, I dare say, become equal to the population of Burma at the advent of the British, when the number of foreigners was infinitesimally small. Every year, besides other foreign races, about four lakhs of people from the other side of the Bay of Bengal (India) come into Burma and return to their homes, carrying away with them large sums of money, leaving behind about 60,000 of their comrades. Fixing roughly at a nominal figure of Rs. 100 per head as the amount taken away by each of them, it comes to 34,000,000 rupees. To this must be added the sum of money taken away by other races jointly, which could also not be less than 34,000,000. From this it will be seen that Burma is deprived of 68,000,000 rupees every year.

Let us now consider the economic problem of the country. It requires, every year, about twenty-five crores (250,000,000) to finance the cultivators for cultivating their lands, as there is no State-aid system in Burma. The Natukotta Chettiyar money-lenders from Southern India, come over here solely to lend money on interest, not at five or seven per cent. per annum, but from eighteen to sixty per cent. and even more than that in certain cases. These financiers also take away about two and a half crores, 25,000,000 as interest. These moneys are never spent in Burma but only in India. Again, the weekly remittance to such places from Burma by Indian wage earners (labourers, etc.), amounts to Rs. 100 lakhs per year. Now, what do we get in return from India for these large sums so taken away? Echo answers what? Now I come to the question of Burma's revenue obtained in Burma. It amounts approximately to twenty-two crores of rupees (220,000,000). Our poor Burmese cultivators contribute largely towards it. Out of which eleven crores is the share that goes to India annually and 340 lakhs are spent in the maintenance of the North-Western Frontier of India. From this it will be seen that India takes Rs. 50 on every Rs. 100 of Burma's revenue. Burma needs a great deal of improvements in various branches of administration. Take Education, Irrigation, Communications, etc. These departments are simply starved.

According to the legislatures established in Burma (and India) there are two kinds of subjects, i.e., subjects normally to be dealt with by the Government of India, and provincial subjects, that is, subjects normally to be dealt with by the Government of Burma. Central subjects include matters of imperial as distinguished from provincial importance and matters in which uniformity throughout the Indian Empire is to be most desirable. The central subjects are chiefly foreign affairs, relations with Native States, the Public Debt, Currency, Shipping, Customs, Patents, Designs, Copyrights, etc. Provincial subjects are again sub-divided into Reserved and Transferred, the former being dealt with by the Governor-in-Council, the latter with the Governor acting with Ministers. Amongst the Reserved subjects are included Irrigation, Land Revenue, Administration of Justice, Police and Prisons. Transferred subjects include Local Self-Government, Medical Administration, Public Health, Education, Public Buildings and Roads, Agriculture, Forests, Fisheries, Excise, Co-operative Societies. This list is not exhaustive.

Being a Burman interested in the welfare and progress of my countrymen, I have watched the rise and growth of political movements in Burma. In my humble opinion, unless Burma gets herself emancipated politically and financially, from the control of India proper, the Burmese nation can never hope to rise to the level now reached by other civilised nations of the world, and the very existence of the Burmans as a race would be threatened,

choked, and finally meet with extermination in the course of a few decades. If the Burmese race is gone, its beautiful religion must follow suit. Burma's position in the Indian Empire, looked at from any point of view and under any circumstances, is quite anomalous, because it is cut off by sea from the rest of India. And in matters of race, religion, language, ideals, manners, customs, we are quite different from the other provinces of India.

The real objection raised by a certain section of the community against separation is based possibly on four main grounds:—*Firstly*, on a strategic point of view; that is to say, we shall not be able to protect the long range of the North-Eastern Frontier, or in other words, we are not capable of defending our own country in case of attack. My answer to this is a total denial. Burma separated, with all its culture and refinement, wealth, actual and potential, and with overflowing revenues, is beyond all manner of doubt capable of managing her own affairs quite happily and efficiently in every respect. We are not afraid of any attack by our neighbours or by any other power. Because, though Burma does not possess a defence force and regular army of soldiers of her own, there is nothing to prevent the formation of a Burmese army; and further, we may boldly and confidently look to the mighty British Empire when we want any kind of assistance.

It is also a matter of Imperial concern affecting the British interests in no small measure. Neither Britain nor any part of her vast Empire will remain indifferent, even if help is not sought for by Burma in her hour of trial. Otherwise, the definitions of "Imperial Idea" and "Commonwealth of Nations within the British Empire" would be meaningless. Look at the last great war as an example which has caused the Great Powers to enunciate the principle of self-determination. This principle was to be applied not only to small European nations such as the Belgians and the Jugo Slavs, but it should be applied to Burmans as well, however small they are as a nation in Asia. I would therefore emphatically say that all other Dominions within the British Empire are bound to give a helping hand to Burma when necessary. If Burma, as a separate unit of the British Empire, were in danger of being invaded, I do not for a moment imagine that India herself would remain neutral. With the advent of Aeroplanes, Imperial Airways, etc., and the Singapore Naval Base as an accomplished fact, there would be nothing to be afraid of, should such an attack materialise. If we are allowed to make use of our Revenues from our country only, we could hire trained military officers to give us training in all branches of defence. And in the course of twenty years, we shall have a regular defence army of Burmese soldiers led by British Officers. If anyone wants to know the real character of a Burman, let him kindly look at our history. He will find that we Burmans were once upon a time a nation of soldiers, and that there was a Burmese Empire under the Burmese Kings. It is an admitted fact that untrained people of whatever race are not capable of withstanding the attack of organized and disciplined forces. The training and development speaks for itself. An opportunity is all that is needed to prove the contrary. In the last world-struggle, it is a known fact that we Burmans participated by contributing men and money for the maintenance of liberty and peace in Europe, and notwithstanding the proverbial reproach of backwardness attached to the Province, we have unflinchingly gone out to help with our lives and property and share in the sacrifice without which no war has yet been won. What does it show? It shows that we are a fit nation to be associated as a member within the British Empire.

*Secondly*, some of our brethren have been labouring under the fear that Burma will be converted into a Crown Colony. This apprehension cannot be brushed aside altogether as a mistaken idea. There is something in it. But, in my humble opinion,

the present form of Government is already far more advanced than that of a Crown-Colonial Government and I do not think that our benign Government would be so inhuman as to make us march backwards, having already given us equal status with India.

President Wilson, and Mr. Lloyd George, our late Premier, have clearly defined the principle of self-determination. Mr. Lloyd George then stated in unmistakable terms that such a principle was to be applied not only to small European nations, but that it should be applied to other small nations also. These statements, when made by such responsible statesmen, filled the hearts of all small nations like Burma with hope for the future, and they were delighted to see that the angle of vision in the world politics had, after all, changed for the better, that the political rights of the people of small nations would henceforth be respected and that their legitimate hopes and aspirations would be fulfilled. Further, the American Government had not been slow in granting self-government to the Philippines, who are one of the small nations under their régime, in fulfilment of their solemn declaration, although their tutelage under the American Government was not so long as the Burmans have been under the British. It was only the other day that Sir Hugh Clifford, Governor of Singapore, before relinquishing his gubernatorial office in Ceylon, most unmistakably explained his view to the Legislative Council that the policy of His Majesty's Government is not to go back. Since Sir Hugh's departure for Malaya, Lord Donoughmore, President of the Ceylon Commission, expressed the same view. For my part, however, I would like to take, so to speak, the lesser of the two evils, if there be any.

There seems to be some misconception in the minds of some of my brethren and others as to the exact significations of the terms: Colony and Crown Colony and various types of Colonial forms of Government. I may be permitted to say here that a Colony has been defined to be any part of His Majesty's Dominions exclusive of the British Isles and British India. In a Crown Colony there is no representative Government. There are two groups of these Colonies:

(1) Those in which the Crown has the sole power of legislation, which it exercises through a Governor, Commissioner, or President alone, e.g., Gibraltar, St. Helena, Labuan, Ashanti, and Basutoland.

(2) Those in which the Crown has the control of legislation, which it exercises through a Governor or Administrator assisted by Executive and Legislative Councils, composed of ex-officio or official, or partly official and partly nominated members, the Crown reserving the right of veto, e.g., Hong Kong, Trinidad, Windward Islands, Seychelles, Straits Settlements, etc. (N.B.—There are no elected members in either council).

(3) A third type of Colonial Government comprises those to which a representative legislature has been granted, but the public officers are under the control of, and responsible to, the Crown acting through the Colonial Secretary (i.e. responsible Government has not been granted). The executive is composed of a Governor and a Council appointed by the Crown, containing some ex-officio or official members. As regards the legislature in three Colonies (Bahamas, Barbadoes and Bermuda) there are two Chambers; a Legislative Council nominated by the Crown, and an elected Legislative Assembly; in the others (e.g. British Guiana, Jamaica, Leeward Islands, Ceylon, etc.) there is one Legislative Chamber only, composed partly of members nominated by the Crown or of ex-officio or official members and partly of elected members.

(4) *The fourth and last group, consisting of Canada, Australia, South Africa, New Zealand and Newfoundland have full Responsible Government, i.e., the chief public officers or ministers are responsible as in England, primarily to the Local Legislature. There is thus a great difference between the two types of Crown Colonies on the one hand, and the two types of Self-Governing Colonies on the other.*

We are now clamouring for the fourth form of Colonial Government, such as Canada, Australia and South Africa, with a full responsible government. As regards this claim, whether we are a fit nation for self-government or otherwise, the observations made about ten years ago by some responsible Statesmen, Members of Parliament and others, will be of interest.

Sir *Frederic Fryer* the first Lieutenant-Governor of Burma, has said: "I consider that Burma is quite as fit for responsible government as India, and Burmans are not, in religion, race or habits, in any way identical with Indians. And writing to the *London Times*, he expressed again that "the Burmans are fitter for local self-government than are the Indians of the agricultural classes. The women of Burma are quite capable of exercising the vote. The loyalty of Burma during the war has been most conspicuous, and when I recollect the disturbed state of the country when I first went there in 1886, I cannot but wonder at the rapidity with which our Government has overcome the antagonism to it which certainly prevailed in the early years after the annexation and which existed not only in Upper but also in Lower Burma.

"It speaks volumes for our system of Government that such a transformation should be worked so quickly, and that our enemies of early days should be converted into our firm friends and supporters. The Burmans are a very proud people and have no mean opinion of themselves, considering themselves vastly superior to Indians, and I am firmly convinced that in no circumstances would they allow themselves to be ruled by Indians if they could help it."

Sir *Herbert Thirkell White*, a former Lieutenant-Governor of Burma, and author of a *Civil Servant in Burma*, says that "If India is fit to enjoy reforms in the direction of responsible government, a point on which I express no opinion, I think that Burma is probably better fitted to do so."

Sir *Reginald Craddock*, another Lieutenant-Governor of Burma, though an alarmist on the point of self-government, has remarked "that there are certain elements in the Burmese people which are very suitable for a popular form of government; that in Primary Education, Burma is more advanced than India; that in the general level of intelligence amongst the masses, Burma is able to hold its own and more in any contrast with many advantages notably in respect of conditions which favour development on democratic lines; that Burma has some sort of elective system, which is by no means unknown in Burma, and there has been no extremist party of young Burmans, no unbridled and defamatory press, no signs of unrest amongst Burmese students and not even the slightest suspicion of anarchy."

He further said that "Burma is free from those acute religious dissensions, which militate against the co-operation of men of different creeds. Toleration of the scruples and prejudices of others is a ruling tenet in her religion. There is an entire absence of caste and no marked cleavages of special distinction or occupation exists. The man of humble birth has in Burma always been able to rise as high as ability and education might carry him. The emancipated condition of the Burmese women conspicuously distinguishes Burma from India, and though secondary education may be backward, nowhere in India has primary education reached so high a stage of development. And among the indigenous races, as distinct from the immigrants from China or India, the extremes both of wealth and poverty are far less marked than in any Indian Province."

Again on August 2nd, 1919, he said "there are features in the social system of Burma which mark it out as *prima facie* a more promising soil for the introduction of electoral institutions than can be found in India. The widely diffused primary education already mentioned, the emancipated condition of women, the freedom from violent religious antipathies, the great tolerance of the

Buddhist religion, the absence of landed aristocracy, of caste distinction, and of hereditary occupations, all these are factors which tell strongly in favour of the ultimate success of democratic institutions. The great development of Co-operative Credit Societies and that of allied associations is the strongest proof that the organisation of local self-government in rural Burma has been most unduly deferred, and is one of the most pressing ones of our administration."

Sir *George Scott*, a high authority in Burma, in reference to Burma being left out of the Government of India Bill and placed on the same level with Baluchistan and the North-West Frontier Province, observed that "to bracket Burma with Baluchistan and the North-West Province—the most illiterate with the most illiterate Provinces—is simply ridiculous, and is in entire agreement with the Burmans being different as to race, religion, caste, national feeling and loyalty."

In the discussions that took place in 1919 in the House of Commons on the Government of India Bill, *Colonel Wedgwood*, moving an amendment, said that "he sincerely hoped that the amendment will be carried and that the Labour Party should at least secure a definite water-tight pledge that a Bill guaranteeing Burma a full measure of freedom as is proposed for India, shall be passed during the next sessions of Parliament. *The Burmese are the most educated people of all India and should be granted freedom to control their own destiny.*" He further saw no reason why Burma should not be granted independently Dominion status, and observed that "the temptation naturally is when people do not make any complaint, to give them much less than is given to those who do complain. I do not want that to happen in this case, and we want the Burmese to understand, when they get their Constitution, that although they have not made any great demonstration on the subject, we shall realise that they are every bit as advanced as the rest of the people of India. In fact, they are even better educated in some respects, and we believe that their standard of treatment of women is better in Burma than in India. *We want the Burmese people to believe that they are being treated on an equality with the rest of the British Empire.* This is all the more important because people are so apt to contrast our Government of Burma with the American Government of the Philippines where they have been given self-government, and it is rather a slur upon the reputation of the British Empire that we had gone more slowly than the Americans in emancipating similar races. I hope we shall get a definite assurance that a Bill will be introduced for Burma in the next session of Parliament giving powers and no less advance than are given to the Indian Provinces."

*Captain Ormsby-Gore*, in defence of the Secretary of State for India, said: "I do not think that we should have Burmese in the Council of State for India. I want Burma to be kept as a separate entity; Burma is one of the leading Buddhist nations in the world and they are a very attractive people. I think we are all at one in our determination to see that Burma gets its place in the sun."

*Mr. Montagu*, the late Secretary of State for India, remarked that Burma does not wish to be left to the tender mercies either of the Secretary of State, the Government of India, or the Local Government, and agreed that Burma is not India, and that Burma must get an analogous grant of self-government subject to differences in the local conditions of Burma. Its literal attainments are greater than any other provinces."

We understand the meaning of the political catchword "Responsible Government," so did our Burmese Kings, who had actually tried this principle. The Burmese Kings conquered Siam, Assam, Manipur, Shan States, etc., and granted them self-government within the Burmese Empire. More than that, some section of the Burmese people are endowed with the spirit of Republican form of government. For

instance, I beg to refer to Sagaing Hills in Upper Burma, where nearly 5,000 to 6,000 Buddhist monks and nuns are still exhibiting that spirit. They have their own ways of management. They are all pure Burmese, inhabiting the hills peacefully and harmoniously, and have been so for many years, from a period before the advent of the British without in the least giving cause for interference by the administrative authority. It will thus be manifest that there was a Burmese Empire before the British came here. We are Burmese Buddhists; Burma is the land of Burmese Buddhists; Buddhism is a living faith, inculcating tolerance, brotherhood, equality, democracy, self-responsibility and universal peace. The thirty-eight Rules of happiness or the Sacred Precepts called "Mangala Sutta" have been well imprinted in our heart of hearts and we have been putting them into execution. These golden rules were even taught when we were young, in schools recognised by the British Government. They are:—

- (1) Not to associate with the wicked;
  - (2) To be always in the company of the learned and wise;
  - (3) To honour those to whom honour is due;
  - (4) To dwell in a suitable place and adapt one's self to satisfy all common wants of life;
  - (5) To have in store some merit acquired in former existences;
  - (6) To have in one's own heart right desires, eschewing evil;
  - (7) To possess thorough and comprehensive knowledge of the world;
  - (8) To acquire knowledge of arts and sciences which are free from sin;
  - (9) To learn the laws of "Vinaya" or the rules of conduct for the monks;
  - (10) To speak well chosen words;
  - (11) To support father and mother with proper sustenance;
  - (12) To cherish and maintain wife and children;
  - (13) To follow peaceful calling, i.e., trade, business or occupation;
  - (14) To practise charity;
  - (15) To live a life of righteousness;
  - (16) To render help to relatives;
  - (17) To do things which are free from sin;
  - (18) To shun that which is sinful;
  - (19) To particularly avoid bad deeds;
  - (20) To abstain from all intoxicating drink;
  - (21) Not to fail to practise meritorious works;
  - (22) To show the respect to whom it is due, such as teachers, parents and the three precious gems, e.g. Buddha, Dharma and Sangha;
  - (23) To humble one's self before all;
  - (24) To be readily contented;
  - (25) To feel particularly grateful for one's benefactors;
  - (26) To hear the preaching of law from time to time;
  - (27) To possess virtue of patience;
  - (28) To readily take to heart the admonition of the learned and wise;
  - (29) To pay visits to monks (*Rahans*) and Brahmins;
  - (30) To discuss and investigate the religious laws at proper times;
  - (31) To practise penances;
  - (32) To practise chastity;
  - (33) To know and discern the Four Noble Truths;
  - (34) To meditate on the happy repose of Nirvana;
  - (35) To keep one's mind tranquil as that of an Alahat whose mind, though in the midst of the eight changes and chances of life, does not shake, e.g., abundance and want, censure and praise; joy and distress, popularity and abandonment;
  - (36) Not to have any anxiety or fear;
  - (37) To be free from the dark mist of avariciousness;
  - (38) To be indifferent to any danger or suffering;
- (N.B.—These four rare virtues, numbers 35, 36,

37 and 38, are attainable only by Ahrahats and not by any men).

By reason of the religious principles thus inculcated, violent agitation has been admittedly absent in Burma though Burma has been agitating for Home Rule very acutely and intelligently for some time past. It has been said that the difficulties in the way of Responsible Government in India rest very largely on matters of caste, language and religion; but everybody must admit that we have no caste, and that we have one language, one race and one religion. Our women in Burma occupy a very high status. They get Municipal Franchises and can vote for the election of Headmen in the rural districts. They have the control of the purse in the family. Sir John Guy Rutledge, the Chief Justice of Burma expressed an opinion in a reported case, *Indian Law Reports, Rangoon Series, Vol. 5, pages 406-419*, that "there is no country where the principle of equality of the sexes has been carried further than in Burma in matters of inheritance and devolution of property."

Burma is the largest Province in the Indian Empire. It has an area of over 230,000 square miles and a population of nearly 13,000,000, out of which over 10,000,000 profess Buddhism. Take the case of Burman Officers, present or past, placed in responsible appointments, Judicial or Administrative. They have not only been found fit but some of them have even excelled in some respects. Our Burma University is also supplying numbers of well educated young men and women for services in various branches of public and private life. The future, therefore, before us beams bright.

Thirdly, that Burma is part and parcel of the Indian Empire, and that whatever privileges are granted to the Indians, the same rights will be extended to Burma. Therefore, we would simply look on to India until such time as we deem fit and desirable to ask for separation. Against this reason, I may refer to the Skeen Committee's report on Indianization of the Army. Burma was entirely left out in the cold from it. The way is open for Indians only and not to the Burmans to enter the new branches of the Army and Navy. The object we seek to achieve is to fit us, Burmans, to undertake the defence of our country and frontiers. Much encouragement has been given to the Indians to form and officer a corps. I again say that Burma, not being England's pet spoilt child, has been left out in the cold. Some Indian Army students have been sent back from Sandhurst because they could not follow the lectures given in English; but poor Burma was not even asked to try. India has all along looked for herself, and in the case of the Army and Navy, Burma has not even been asked to play the part of a Cinderella. No help towards forming a National Army has been extended to Burma. The answer is not far to seek. "India and Burma for the Indians" appears to be the game. Even though nothing has been done and no favour shown in this connection, there is no substantial reason why we should wait for the crumbs to be swept off the table, considering that history bears witness to the fact we have the martial spirit, the manhood and heaps of it to form a National Army. We want a live National Army being trained by British Officers with the right for promotion when considered fit. The process of development will naturally be contingent on success achieved in the various stages of experiment. There is no difference of nationality in Burma, so there is no reason to look for disadvantages of difference in language and general knowledge. It is the duty of the Government to see that the agitation in India does not usurp the rights of the weak. Otherwise, the fundamental principle of the British Government to protect the rights of small nations would have no meaning.

The Skeen Report, it is clear, means that Burma should be, and will be under the military control of Indian Officers. Is it politic; is it in the interest of the Empire; is it just and is it fair to deny us our natural rights? Will the British Government, that



has always stood out as the champion of liberty, justice and fair play, deprive us of a nation's rights and wishes? Can any Government secure a contented people when the people are discontented? I can assure you that a self-governing, contented and prosperous Burma will be an asset in the East rather than any that you have under any foreign element.

I may here point out Burma is, according to a former Lieutenant-Governor, the richest undeveloped Province in the Indian Empire. She produces large quantities of rice, beans, oil seeds and other cereals, timber, cotton, cutch, rubber, hides, tungsten, silver, lead, petroleum and many other valuable products. Now, for the sake of argument, if India gets Home Rule with Dominion Status such as that of Canada or Australia, what would be the Scheme of Reforms or Constitution for Burma? There will be the following main heads:—

- (1) Provincial Legislative Council.
- (2) Provincial Government.
- (3) Imperial Legislative Council.
- (4) Government of India.
- (5) The Secretary of State in Council.
- (6) Matters concerning India and the Empire.
- (7) Military and other matters.

Take item No. 4, the Government of India. The Governor-General of India will be the head, and assisted by an Executive Council. Stretching the point as far as possible, how many Burmans will there be in such a Council? In my opinion, there will possibly be one or none at all. Take again item No. 3, Imperial Legislative Council. The strength of the Council may be 120 or 150. How many seats will be allotted to Burma? India proper possesses 350,000,000 souls and Burma 13,000,000; 350 divided by thirteen gives a dividend of twenty-seven, that is to say, to every twenty-seven Indian Councillors, there will be one Burman Councillor. The number of members of the Council will be based upon the population. Say if Burma can send thirteen candidates to represent its cause, the other provinces of India will jointly send 350 candidates. Could anyone then say that Burma will ever have a majority in the Council? What will then be our position? Could any of our resolutions be carried through? Will Burma get the majority of the votes? Again, in the very near future a Privy Council will be established in India. I have grave doubts if Burma will be called upon to take an active part in it. At present Burma is the hunting ground for the non-Burmese races as the land is flowing with milk and honey, and a safe bank for the Government of India for the purposes of revenue. This is quite evident from the statements shown above. *Take again the case of holding important administrative appointments. Will the Government of India allow the majority of Burmans to have a free hand in the matter of important administrative appointments in their own land?* I should think not. The Indian Parliament will say that the popular song of "Burma for Burmans" should not be sung now. The true song must be Burma for the most capable, whatever be their nationality, caste or creed within British India. All things being equal, take a Burman, but for efficiency's sake don't pretend that all things are equal, merely to choose a Burman. Indians have played a great part in the development of Burma. It is a matter in which uniformity throughout the Indian Empire is most desirable. *The Burmans then will be kicked out in their own soil. Who will be controlling Customs, Post, Telegraph, Salt, Opium, Railways, Army and Navy, Excise, Income-tax, Accounts, Marine Transport, Steamer, Civil Police, Military Police, etc.?* Will Burmans migrate to other Provinces of India for any purpose? I say that they will not and they cannot. In the first place, if they desire to go to any other parts of the Indian Empire, they will have to learn the respective languages of the country, such as Urdu, Arabic, Tamil, Telugu, Hindi, Bengali, Hindustani, and a score of other

languages, in order to enable them to take up the appointments thereat. It is an impossible task. In the second place, the Burmans and especially their families will not reconcile themselves to the new conditions that will be placed upon them, owing to divergence of customs, religion, languages, mode of living and a score of other diversities, such as caste, etc. They will simply be an outcast in those places. Again, what about the revenues derived in Burma from the sources of Customs, Post, Telegraph, Salt, Railways and other so-called subjects of Imperial concern. Will the Self-governing Institutions of India allow Burma to spend its own revenue in its own place? For the above reasons I would pluck up my courage of conviction and say that the grip on Burma by India will be very much more tightened than at present when India gets Home Rule. It is quite natural for India to do so, because it cannot risk the loss of such a rich Province like Burma.

*Fourthly*, some say that it cost a great deal of money to the Indian Government when Burma was annexed, and therefore Burma must still continue to be a Province of the Indian Empire. This reason is not tenable at all at the present age of civilisation. The mere fact of indebtedness, though I do not believe that now it is so, will not give any right to India to keep us in bondage all the time.

Separated Burma will give Buddhist Colleges and schools, controlled in some respects by some of our venerable and respected monks of the country. Separated Burma will give abundant food for the ambitious people of Burma, many new ways and means of earning in the land, of trading in the produce of the land, and of finding food and money for the hungry millions. Separated Burma will be able to introduce a Military Training Act for the Burmese race, an Immigration Act, a Foreigners' Marriage Validity Act, Compulsory Education Act, State-aid Industrial Act, an Agricultural Act, a Commercial Act, Technical and Foreign Education Act and a score of other Acts necessary for the good of the country. Separated Burma will have fiscal control of its revenue derived in the country. In a free and separated Burma, the Burmese race will become a unit among the other races within the great British Empire capable of developing the country to suit their own natural talents and requirements, without any prejudice to the interests of the Empire. All the words and phrases contained in the various laws of the country, particularly in Codes of Procedure, such as in choosing a Jury and an Assessor for trial of Indian British subjects will have to be altered in the case of the Burman British subjects. For the present, all the general laws passed by the Government of India are applicable to Burma.

We Burmans are tacitly and unknowingly included so far as the race is concerned, within the definition of Indian. What does it lead to and what will be the consequences in the near future? Being politically part and parcel of India, Burma and its people are not properly known to the British public. Why? what is the cause of it? Because Burma is not taken as a separate unit within the British Empire. Sympathy with the British public and Parliament for Burma is therefore absent. Whenever it is said that we are Burmans the British public runs away with the idea that we hail from Bermudas, an island in the Atlantic Ocean. I myself had the experience of having to explain to Lords Dunboyne and Portsmouth that we are Burmans belonging to the Province of Burma which, through no fault of ours, has been attached to the Indian Empire. This took place when I had the honour of being presented at His Majesty, the King-Emperor's Levee, at St. James' Palace, on the 21st June, 1909. Separated Burma will become a self-governing Dominion and a member of the British Empire. Burma with its own race as at present, is like a great vessel proceeding on the surface of the ocean. She is moving past the non-Burman spectators while they watch her gaily from the shore; now a mountainous wave dashes straight against the bow and she seems to be

drifting backward; at another time, the troubled water buffets her side and makes her swerve; then there is a respite and the good ship forges ahead and thus, now set back, now recovered. But she goes on determined and unyielding until she reaches her destination, i.e., Self-Governing Burma as an integral part of the mighty British Empire.

Those who have been observing her closely know perfectly well that *Separation mania* is within the heart of almost every Burman as she has all these years been under the heel of India, which has treated her as a milch cow. The Burmese people are only choosing time. This is now the moment to adopt the measure, this is the opportunity to make the demand as I consider that the arrival of the Commission in India and Burma is an occasion of no ordinary significance, not merely because of its undertaking with the traditions of ancient polity but because of the opportunity which it gives to all of us to meet the leading men of the English Bar and British Parliament, and to ventilate our views in manipulating the affairs of our country, because I consider that it brings with it sympathy, friendliness, conciliation and hope, and there is every reason to predict that in this Commission lies Burma's salvation, and because I have faith in the British Parliament. Take the case of removing the Fort on the Shwedagon Pagoda, Rangoon, Burma. It was the British Parliament which granted our request.

Some of my brethren in Burma have decided not to co-operate with the Commission. In this respect I beg to differ from them with their views, because in my humble opinion, that though the Commission can be boycotted now, yet their recommendations and decisions will entirely influence the British Parliament to put them on the Statute Book to become laws of the country. When they become laws, we cannot boycott the said laws then. If we fail to take this golden opportunity, we shall be lost for ever as a Burmese nation within the British Empire. Our claim should not be put off with "ifs," "buts," and such needless phrases. They are only an eyewash of which we are tired. Our motto should be "*save the Burmese nation first (from being drowned in the flood of non-Burmese races) and with it, its beautiful religion,*" and then agitate for any form of government we want. It must be understood that by the mere fact of political separation we do not mean that non-Burman races will have to go away from this country. We only want to protect our own race and the religion we profess, and we should also have a far larger share in its management. The rapid advancement by the Self-governing Colonies is to be attributed to the absence of communalism and the Laws made from time to time for the restriction of immigration.

As properly remarked by Mr. Montagu and Lord Chelmsford, Burma is not India. Burma is not that caste-ridden India with all its communal dissensions and religious feuds. The Declaration of 1917 is beyond a question for the protection of the minorities in the neighbouring country, India, and whatever inconvenience our Legislature may have experienced in the matter of communalism it must be ascribed to India, for no cause other than the legal fiction that Burma is a Province of India. It cannot be denied that the state of affairs in Burma has been such by the continual influx of people from other countries, and claiming to be domiciled Burmans, there is hardly left any scope for the development of the country by the Burmans themselves. Burma separated from India could have her own laws for the restriction of immigration. But so long as she remains tied to the apron strings of India such a procedure would be out of the question. We have already colonies of people from neighbouring and other countries calling themselves domiciled Burmans and claiming representation in the Council.

But the influx will go on for ever, as it has been allowed with impunity for the last few decades, if not stopped in time by legislation. If Australia, South Africa, Canada, New Zealand, etc., and even

the United States of America could make their own laws to govern immigration, there is no reason whatever why Burma should not enjoy that right and take all steps necessary for the development of the country.

But the preliminary step is Separation from India. Therefore, advance Burma; be strong and have the moral courage to speak out your own mind."

This was seconded by Saya Sein and U Mg. Gye (Tadaywa) and supported by Mr. George H. Munro, Chairman, British Burman Association, in Burmese.

"In supporting the resolution wholeheartedly on behalf of the descendants born of Britishers and brought up and domiciled in Burma, he drew attention to what happens in the forests in the Salween Hill Tracts, where, when the bamboo flowers and bamboo seeds drop, myriads of rodents swarm out of the ground and increase with, one may say, lightning speed and overrun the hills and dales devouring the crops and everything green, causing ruin and starvation to the peoples of the Hills, and strikingly pointed out that continued connection with India would mean ruin and starvation to the Burmese people because the Indians were abnormally increasing in Burma by peaceful penetration, and what with their low standard of civilization in matters of social life and ideals and outlook so opposed to those of the Burmese people, what with the very meagre and frugal style of living of the mass of those coming here to earn a livelihood they are unable to obtain in India, what with their caste system so repugnant to the Burmese people and all combined resulting in slow but sure deterioration in the manners of the Burmese and practically ruining the Burmese accustomed to a much higher style of living, and unable to work on the low wages the Indians can afford to work for and thrive and undersell the Burmese who have been gradually but surely and steadily losing their lands and houses to these Indians in the towns and their culturable garden lands and paddy fields in the districts. Are not all these deplorable results staring the Burmese people in the face?

The Indians in the Central Legislatures of India have already more than once taken action to press for a railway connection to Burma. What would happen when Indian pressure in the Central Legislatures has the effect of compelling the Indian Railway Board to connect India with Burma by rail?

Matters are very bad for Burma on account of this continued undesirable and unnatural connection with India but when a Railway line is made, would not the Indians come pouring in like a stream of water and flood the Burmese people out of their hearths and homes? Would not the Indians then like the rats in the Salween Hills cause ruin and starvation to the Burmese people? Can a few Burmese Members of the Legislative Assembly and of the Council of State prevent the carrying out of a Railway connection resolution? Would that not be the sounding of the death-knell of the Burmese Nation and would not that swamp them out in their own country?

What then must we Burmans do to prevent such a catastrophe? The only thing that can and will prevent it and save them is immediate and thoroughly complete separation of Burma from India. Nothing else can give Burma a place in the sun.

It was a sorry mistake the Second Burmese Deputation made in England in 1920 by slacking the demand for Separation after the Viceroy, Lord Chelmsford and the Secretary of State for India, Mr. Edwin Montagu had been interviewed by the Delegation for Separation and for Reforms that went to Calcutta in December, 1917, and again in 1920 when in England they unfortunately listened to the advice of an Indian, a co-opted member, Dr. P. J. Mehta, M.D., Barrister-at-law, and of a retired Indian civilian, Mr. Bernard Houghton, to ask for one thing at a time, that is, to ask for only Dyarchy "analogous" to that given to the Major Provinces of India, and then later on, to ask for Separation, the main thing that really matters.

It is eight years since then, and there is no Separation as yet. I urged in 1922, in the columns of the *Rangoon Gazette* to bring about this Separation so vital to the life of Burma, by 1926, and Dominion Home Rule, by 1929. Why have we not got Separation yet? Because we the Burmese people have not made a strong and insistent demand for Separation in 1919 and 1920 while our Representatives were on Deputation in England.

But why has this happened? Because some of our leaders, like Tharrawaddy Pu, M.L.C., have, apparently, short memories and, though a *Home Ruler*, has been charmed by Indian Sirens. He, as well as U Tok Kyi, M.L.A., now prefer Indian Home Rule, i.e., Swaraj, to Burmese Home Rule. They and their Swarajist followers like U Paw Tun, A.R.M., M.L.C., have been so lulled to not only inactivity for the liberation of Burma from the Indian yoke, but they are now opposing us instead of joining forces to insist on *immediate Dominion Home Rule*, because they are trusting Indian Swarajists and Indian Congresswallas like Mr. Tyabjee, M.L.C., who coax them and tell them to wait till India gets Dominion Home Rule!

Just fancy they do not want Home Rule for Burma but are happy to see her in fetters under the feet of India and to be content to see her play the Cinderella in the Kitchen of India! Oh! what shame to treat beautiful Burma so!

The British Prince has sent seven Ambassadors headed by Sir John Simon who will be coming to Burma by January 1929, to make Burma try on the fairy glass slippers of her fairy God-mother that she may wed the British Prince and become a Princess, and be an equal partner in the British Commonwealth but these Home Rulers and Swarajists are trying to prevent her from meeting the Seven British Ambassadors, that she may not be made a Princess in her own right. Cinderella's Indian sisters are fooling the Burmese Home Rulers-cum Swarajist National Parliamentary Organization and they are dreamily listening into inaction.

Let us Burma for the Burmans Leaguers like loyal valiant Knights of Burma come to the rescue and help Burma to try on the glass slippers by welcoming the Seven Ambassadors that subject Burma may become: **THE BURMA FREE STATE.**

The Resolution was carried with tremendous applause.

The remaining resolutions Nos. 2, 3, 4, 7, 8 and 9 were carried unanimously; No. 5, relating to the *Sanghas* was withdrawn to be considered later. The feeling of the meeting was that *reform* must come from within the *Sanghas* and not imposed from without, by laymen. Resolution 6: as to who is a Burman was defined by Mr. George H. Munro. The English version is as follows:

*Agenda No. 6.* To define the meaning of the word "Burman," that is who and what is a Burman for the purposes of the *Constitution of Burma* and all its implications.

A Burman is defined to be:—

- (i) A person of any race born and brought up on the soil of Burma and who continues to make Burma his or her home for good, without distinction of caste, class, colour, or creed; and
- (ii) A person of any race born outside of Burma but who comes to Burma, lives in Burma for not less than 25 years, knows Burmese well and claims Burmese citizenship with the intention of making Burma his or her home for good.

All others not coming within these two categories are necessarily non-Burmans, and must be treated as aliens and foreigners coming to Burma for temporary purposes only.

The definition was unanimously adopted.

It was also agreed to that the resolutions passed at the meeting be carried out in consultation, if practicable, with the leaders of the meeting at the *Saduditha zayat*; that the meeting urges the holding of public meetings in all big towns and villages to pass resolutions advocating the separation of Burma from India; that the resolution relating to separation and grant of Dominion Home Rule be communicated to His Excellency the Viceroy, to the Chairman, Indian Statutory Commission and the Secretary of State for India; that U Mya U and the members of the Executive Committee are elected to arrange for the reception of the Simon Commission during their visit to Burma. Resolution No. 10 was that the Committee is empowered to prepare a Memorandum and submit same to the Commission demanding the immediate and complete separation from India and that after separation Burma to deal with the Secretary of the British Government concerned with the Self-Governing Dominions, viz., the Secretary of State for the Colonies.

The meeting dispersed after a vote of thanks to the Chair.

4. The following telegram from U Mayo, Chairman, Sule Pagoda Road, Rangoon, dated the 27th August 1928, was despatched in accordance with the Resolutions, to His Excellency, the Governor of Burma, Rangoon; His Excellency, the Viceroy, New Delhi, the Chairman, Indian Statutory Commission, care of the Officer in Charge, Indian Statutory Commission, New Delhi; the Secretary of State for India, India Office, Whitehall, London:

*"All Burma mass meeting Presided over by U Maya Aggamahapandita adopted proposal moved by U Mya U Barrister to represent before Simon Commission for Immediate Separation of Burma from India and Simultaneous grant of Dominion Home Rule for Burma and that Simon Commission be accorded a fitting welcome."*

The Assistant Private Secretary to the Viceroy in his Demi-Official letter No. 4868 G.P. from Viceregal lodge, Simla, dated the 29th August, 1928, acknowledged receipt as follows:—"I am desired to acknowledge the receipt of your telegram dated the 27th August, 1928."

The Secretary, Indian Statutory Commission, in his No. E. M. 71/7 (Bur.), New Delhi Camp, dated the 20/30th August, 1928 acknowledges as follows: "I am directed to acknowledge with thanks the receipt of your telegram dated the 27th August, 1928."

## PART II.

### THE BURMA REFORMS.

The announcement made by His Majesty's Government in the House of Commons on the 20th August, 1917, with His Majesty's approval, to grant full responsible Government to India as the best form of Government known to the British, by successive stages, was extended to Burma under section 52 of the Government of India Act, 1919, on the 7th October 1921. Burma is necessarily included in the Royal Proclamation of the 23rd December, 1910, in which His Majesty referred to grant of full responsible Government hereafter and to the right of her people to direct her affairs and safeguard her interests under the scheme of the Burma Reforms which came into force on the 3rd July, 1922. The Burma Legislative Council, as a consequence, came into actual being on the 1st January, 1923.

2. The next stage for further progressive realization of full responsible Government as an integral part of the British Commonwealth under section 84A of the Government of India Act is to take place at the expiration of ten years after the passing of the Act, i.e., in 1929, but for various reasons, that period was shortened by Parliament, early in 1927.

For the purposes of this section the Royal Statutory Commission of seven Parliamentarians selected from

the three parties under the Chairmanship of Sir John Simon, a Liberal, has been appointed by His Majesty and their preliminary enquiry began in India in February, 1928, and is to be completed in about June, 1928. The Commission comes to Burma on the 29th January, 1929, to enquire and report whether it would be possible to establish complete responsible Government or not in Burma, what the growth of education is, what the development of representative institutions, and connected matters.

3. In view of the inquiry, it is well to premise that the announcement of the 20th August, 1917, marked a new era in the history of Burma. The political awakening of the announcement was more marked in Burma than in any part of the Empire. Prior to August, 1917, political consciousness was practically non-existent and those who took any interest at all did not exceed a few score. On Mr. Montagu's visit a deputation was organised at once. Burma sent U Phay a retired official, U May Oung, Barrister-at-Law, U Ba Pe, B.A., and U Su, Barrister-at-Law of the Young Men's Buddhist Associations as a Delegation to Calcutta early in December 1917, to make representations to His Excellency Baron Chelmsford, P.C., G.M.S.I., G.M.I.E., Viceroy of India, and the Right Honourable Mr. Edwin S. Montagu, P.C., His Majesty's Secretary of State for India, that the existence of Burma as a distinct Nation within the British Empire may not be jeopardized and with that object placed *Separation of Burma from India* in the forefront of Burma's political programme for a place in the Sun, to put an end to their wholly artificial union, for the vital reason that such a step far outweighs any consideration as to advantage or expediency arising from that union, the Burmese Nation being as dissimilar from the Indian peoples as any two nations, dwelling near each other, can possibly be.

It was impressed upon them that the diversity is not merely one of religion, but also of race, language, traditions, art, ideals, law, and the whole fabric of the social system. Caste distinctions are unknown. Sex disabilities have never existed. Burmese women are fully emancipated and have always taken a prominent share in public, religious and social affairs; that they enjoy the municipal franchise, and are to be met with in trade, industries and agriculture; and that moreover, the country is as nearly homogeneous as can be expected.

It was urged that under indigenous rule there were only two estates of the realm—the Royal Family and the rest of the nation, the pauper of one day might displace a chief or a minister on the next; that a peasant proprietary firmly established on the land is the most distinguishing feature of our body politic, that to tack on such a country to the conglomeration of jarring interests of India would not add to the reputation for unrivalled statesmanship enjoyed by the British; that our aspiration is to be constituted a new Eastern Dependency with a Governor and a legislature under the ultimate control of the British Cabinet; that in fine, we wish to be self-contained and to exist as a free unit, a separate entity, an equal partner in the great British Commonwealth and naturally dislike the idea of Burma's distinct individuality being merged in, and overshadowed by, India; that Burma presents the most promising conditions for the foundation of a future democratic government under the guidance of statesmen in the British Isles; and that the Burmese do not forget that the Indian National Congress at its first session in the 1885 passed the following resolution: "That this Congress deprecates the annexation of Upper Burma, and considers that if the Government unfortunately decide on annexation, the entire country of Burma should be *separated* from the Indian Viceroyalty and constituted a Crown Colony; as distinct in all matters from the Government of the country as is Ceylon."

4. When the report on the Indian Constitutional Reforms was published on the 22nd April, 1919,

Burma was excluded from consideration for Reforms. The reasons stated were that: "Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. We therefore set aside the problem of Burma's political evolution for separate and further consideration."

On the publication of this report, the Lieutenant-Governor of Burma, Sir Reginald Craddock, took steps for a tentative scheme of Reforms for Burma which was published on the 17th December, 1918, and a considered scheme, with modifications, suggested in a letter from the Local Government of the 28th August, 1919. The schemes were strongly condemned by the Burmese political associations as totally insufficient to satisfy the legitimate aspirations of the Burmese people.

As a result, a deputation was despatched to England on the 7th July, 1919, and reached London on the 8th August, 1919. It represented the Burma Reforms League, the Young Men's Buddhist Association, the Upper Burma Peoples' Association, the Moulmein Burma Association and others and was strongly supported by the great and thoroughly representative public meetings held at Rangoon on the 29th February and the 2nd May, 1919, to plead Burma's case before the Secretary of State for India for a more liberal treatment on the lines proposed by the delegation to Calcutta and subsequently reinforced and added to by Resolutions passed at the All-Burma Mass Meeting held at the Jubilee Hall on the 17th August, 1919.

5. The members of the deputation were Mg Pu, B.A., Barrister-at-law, Mg Ba Pe, B.A., and Mg Tun Shein, B.A. They pressed for the inclusion of Burma in the Government of India Bill and countered the various objections made against the grant to Burma of the Reforms for the Major Provinces of India, pointed out that the same general laws apply to Burma as in India, the revenue system is the same as obtained in Madras and Bombay Presidencies, the Executive and Judicial systems are identical with those in the Punjab, in Excise and Opium matters Burma has the same problems as in India, that in fact in all the essentials of Government, the Indian Government always dealt with Burma on precisely the same lines as the other great Provinces of India. They urged that in culture and enlightenment the Burmese are fully equal to the Indians, our women occupy a higher and freer position than elsewhere in Asia, that our women ought to enjoy equal political rights with men. They reiterated that practically there is no diversity of race and language, that Burma is practically homogeneous, that minor races such as Karens, or immigrants such as Indians and Chinese offer no special problems, the past feuds between Hindus and Muhammadans in India are well known, but do not recur in Burma where a kindly tolerance reigns supreme, there are no divisions of caste, structure of society is essentially democratic, more democratic in fact than in the British Isles, there is less class distinctions and more fraternity than in England. The Burmese have always been patriotic and cherish an intense love for their country, take a pride in themselves and their race, and nowhere does patriotism burn with a truer flame than in Burma, and thanks largely to the monastery schools, primary education is more widely diffused than in India, but through failure to create a University at Rangoon, the number of graduates is comparatively small, but there is at least as large a proportion as in India of capable, level-headed men, fit to grasp the problems and carry out the functions of representative Government. That and not the number of B.A.'s is the essential point. There is no unrest and anarchy as in India. We have a higher claim, therefore, to self-government and this should have special weight.

They stated that the Burmese were, therefore, grievously disappointed at the treatment meted out, notwithstanding the view expressed by Sir Reginald Craddock as regards conditions in Burma that:—

"It can be confidently affirmed that Burma is endowed with many advantages notably in respect to those conditions which favour development on democratic lines. Thus she is free from those religious dissensions which militate against the co-operation of men of different creeds. Toleration of the scruples of others is a ruling tenet of her religion. There is an entire absence of caste, and no marked cleavage of social distinction or occupation exists. The man of humble birth in Burma has always been able to rise as high as his ability or his education might carry him . . . Burma undoubtedly offers a more promising field for Self-Government than does India at the present juncture."

The Deputation, therefore, urged that for these reasons, indeed, and on account of the relative simplicity of the problems that will confront Burma's new Legislature, Burma might claim and rightly claim a more generous measure of Self-Government than that accorded to India and asked that their representation be placed before the Parliamentary Joint Committee for their consideration.

6. On the 19th August, 1919, evidence was tendered by the Burma Deputation before the Parliamentary Joint Committee, the Chairman being Lord Selborne.

Four questions were put and answered, viz.,

5285. *Chairman* : You and your colleagues are a Deputation from the Burma Reform League?—*Mg Pu* : Yes and not only the Burma Reform League, but I represent a very large section of the Burmese population. The Burma Reforms League is only a portion of it, and I put down my name as President, because I happen to be the President of the Burma Reform League at the present moment.

5286. *Chairman* : You have come, I think, all the way from Burma, and on purpose to lay your views before this Committee?—*Mg Pu* : Yes.

5287. *Chairman* : My colleagues and myself would be very happy to hear any statement you wish to make. You have, I think, put in a Memorandum.—*Mg Pu* : Yes, I have put in two : one "A Plea for Burma" and the other a definite proposal, "A Scheme of Reform for Burma."

5288. *Chairman* : Perhaps you will make any statement you wish to make in supplement to this memorandum?—*Mg Pu* : May it please your Lordship. On behalf of the people of Burma, I am much obliged to your Lordship's Committee for giving me an opportunity to place the views of Burma before this Committee. At one time it was thought that Burma would not be allowed to give evidence but happily we are now allowed to give before the Committee the views of Burma. Burma, your Lordship knows, is a fairly large country—I think the largest province in India ; it is larger than France and larger than the British Isles, with an area of 270,000 square miles, out of which 172,000 square miles are directly under the British Government. The rest of the country consists of independent Native States or of semi-independent Native States. Burma has a population of 12,000,000, out of which 10,500,000 are composed of Buddhists, and the rest are composed of Christians, Hindus and Muhammadans. Of course these latter form a very small minority in the country. As your Lordship knows, most of the Burmese people profess a religion which has given satisfaction to the spiritual yearnings of a very large number of people in this world. That religion is professed by over 500,000,000 of people in the world. Burma had a very great past in her history. We had a proper Kingdom when the British came under the Norman Conquest, so that we have a fairly ancient history behind us.

As regards my credentials, we represent a very large section of the Burmese population. I think I have fairly submitted the general lines of our case, and I trust that your Lordship's Committee will report favourably on behalf of Burma in connection with the reforms which will suit Burma.

*Chairman* : We are much obliged to you. You have put your case extremely clearly and from

the Memorandum which you have put in I think we understand exactly what those you represent wish us to understand.

7. It was noticed that Mg Pu was not cross-examined like the other Indian witnesses who appeared before the Joint Select Committee who went to England on behalf of the Reforms for India.

The Burma Deputation members felt this was suspicious and unsatisfactory and were very anxious lest Burma's case would be set aside. Interviews with members of the Indian Deputations increased their fears and therefore decided to influence the Committee through the Press and members of Parliament. A series of interviews with various persons and members of Parliament and persons connected with newspaper offices were approached. Another pamphlet—being a fuller account of Burma's constitutional needs : "Burma : the Cinderella of the Indian Empire" was printed and circulated. A vigorous campaign was inaugurated to inform the British Public about Burma affairs. The Secretary of State for India was requested for an interview but he refused to grant an interview. Then they managed to see Lord Sinha, Mr. B. N. Basu and others. From these interviews it was learnt that Burma's case would not be considered by the Committee, the reason assigned being that the Committee had received neither the Government of Burma's proposals nor the Government of India's Despatch on the same. A memorial was then submitted to Mr. Montagu.

8. The Joint Committee's report was published on the 17th November, 1919, and it was recommended not to include Burma in the Government of India Bill. In paragraph 8 of their Report the Committee wrote : "They do not doubt but that the Burmese have deserved and should receive a constitution 'analogous' to that provided in this Bill for their Indian fellow subjects."

On this, further active and energetic steps were again taken through the Press and Members of Parliament and other influential personages when an interview was granted on the 20th November, 1919, and Mr. Montagu promised to make a definite declaration of Burma's position.

Further strenuous steps were then taken and efforts made and a proposal submitted to the Secretary of State for India for the appointment of a representative Committee which will have the confidence of the people of Burma to enquire on the spot in Burma into matters such as franchise, functions, relations between Burma and India, etc., and to report thereon in time to enable the Secretary of State to introduce Reforms into Burma before Christmas, 1920. Suggestions were also made that the Committee should consist of one member to represent the Government of India, one member the Government of Burma, two or three non-official Burmans having the confidence of the people to represent the popular views and that it should be presided over by men like Lord Sinha or Mr. Charles Roberts.

Mr. Montagu replied that "the suggestions therein laid before him are receiving his closest consideration."

9. On the 3rd December, 1919, during the third reading of the Government of India Bill in the House of Commons in Committee, Mr. Ben Spoor of the Labour Party moved an amendment to include Burma in the Bill and requested the Secretary of State to make a definite promise to Burma. It was too late for inclusion in the Government of India Bill. After some discussion in the House Mr. Montagu made his announcement, the salient points of which are :—

"What Burma is anxious for is to come to Parliament itself, and not to be left to the tender mercies of either the Secretary of State, the Government of India, or the Local Government . . . Burma is not India, but Burma must get an analogous grant of government, subject to differences in the local conditions of Burma. . . . The real case therefore, is that Burma will get without loss of time one of two things. It will either

become a Governor's province—if that turns out to be the best solution—and in that case it will be dealt with under clause 15: if however, it wishes to have a different constitution, say, from the rest of India, then we shall have to have new legislation, which will be introduced without loss of time into Parliament. . . . I shall be very much surprised if at the end of next session we have not passed the Bill dealing with Burma."

After the passing of the Government of India Bill, the Secretary of State was again interviewed on the 15th December, 1919, to find out the procedure he would adopt with Burma's case. The deputation was assured that the case would not be placed before Parliament till after May, 1920, and that the Secretary of State would inform Mr. Bernard Houghton a co-opted member, some time before any measure is introduced, to enable the next Burmese deputation to place the views of the people before Parliament.

The deputation was impressed with the fact that any measures to be introduced into Parliament will be amenable to the wishes of the people of Burma. It is therefore the business of the Burmese people to find out what they wish to ask, and to ask with one voice. The deputation believed that what the Burmese people unitedly, sincerely, and earnestly demand, the British Parliament will not refuse to grant.

The Burma deputation further discovered that if the Secretary of State for India only relied on the Government of India for information from Burma, he will only hear the point of view of the Government and not the point of view of the Burmese people.

The advice of the deputation is that it is very important that there should be an uninterrupted flow of reliable and complete information between the Burmese people and our friends in England so that they may be able to work in the interests of Burma and convince the authorities with an abundant supply of facts and figures; and that we must ourselves be in touch with the democratic forces in England, to bring our claims forcibly and successfully before the British Parliament and democracy. We need persistent, constitutional and intelligent agitation. And finally, that another deputation to England must be sent to successfully push the Burma Bill during the present session of Parliament, because it is the most critical period in the history of Burma and Burma must prove herself equal to the occasion.

10. In due course the members of the second deputation to England, *viz.*, Maung Pu, B.A., Barrister-at-law, Ng Ba Pe, B.A., Maung Thein Maung, M.A., LL.B., Barrister-at-law left Rangoon on the 29th May, 1920, with the mandate of the Burmese people given by the General Council of the Young Men's Buddhist Associations, kindred associations and the All Burma Mass Meetings of the 29th February, 1920, and the 2nd May, 1920, to ask (a) for dyarchy by Bill, (b) Separation from India, and (3) the Declaration of Rights for Burma.

On the arrival in London on the 15th June, 1920, it was found that the White Paper on Burma Reforms had been published and submitted to Parliament a few days before arrival. It contained the Government of Burma letter of the 22nd January, 1920, setting out its second scheme; and that as important questions regarding Ireland, Russia, the Punjab Riots, the Coal Crisis, and the Unemployment Question were demanding the attention of Parliament, it was unlikely there would be time for consideration of the Burma Reforms by Parliament.

After careful and prolonged discussion and consultation with the two co-opted members, Mr. Bernard Houghton, I.C.S. (Retired) and Dr. P. J. Mehta, M.B., Barrister-at-Law, and the many friends and well-wishers, the conclusion was come to in view of the political exigencies studied on the spot that:—

(1) Burma's Constitutional Reforms would be further delayed were the complicated question of Separation from India tacked on to them;

(2) Practically all the Reforms that Burma wanted could be got by notification under Section 15, clause (i) of the Government of India Act, 1919; and

(3) It would be better to ask for such notification instead of a Bill with no chance for getting the latter through Parliament before the end of the year, considering it advisable to ask for one thing at a time.

A Memorandum was at once prepared and distributed to the members of the Indian Reforms Committee, who held a meeting on the 5th July, 1920; articles were published in the *Asiatic Review* and in the *Venturer*, a Memorial was submitted to the Secretary of State for India on the 20th July, 1920, and members of Parliament, Colonel Wedgwood and others interviewed.

11. The memorial referred to, after drawing attention to the announcement of the 20th August, 1917, pointed out that in several respects Burma has a distinctive advantage over India, a sufficient advantage to justify a larger measure of self-government than that granted to the Indian Provinces because Burma is distinguished from India by uniformity in race, language and religion, by social equality, by greater literacy and by an absence of sedition.

It pointed out that the Lieutenant-Governor of Burma, Sir Reginald Craddock, said:—"There has been no extremist party of Young Burmans, there has been no unbridled and defamatory Press, there have been, thank God! no signs of unrest among Burmese students, and not even the slightest suspicion of anarchy." In this Tentative Scheme for Reforms for Burma, he agreed that Burma was for above reasons well-suited for democratic institutions, even adding that "Burma undoubtedly offers a more promising field for self-government." A former Lieutenant-Governor, Sir Herbert Thirkell White, has also stated that the Burmese are more fitted for self-government than are the Indians.

But now, it is regrettable Sir Reginald Craddock contradicting himself has recommended a Constitution for Burma in his, what may be termed the "Despatch Scheme," a form of Reforms far below that granted to the Indian Provinces. This Constitution in its essential features has been supported by the Government of India, misled by the statements in the Lieutenant-Governor's letter of the 22nd January, 1920.

The Deputation pointed out that many of the statements therein are untrue and that they were prepared to show that they are untrue. They clearly proved in their memorial that Burma is not behind India in political development; they are democratic in their social development, and are dowered with plenty of commonsense; they are capable to debate reasonably, and decide with fairness; they understand that ministers representing a majority should carry out certain policies approved by it, and can supply plenty of men capable of fulfilling this Constitutional function.

And further, the Government of India, instead of bearing in mind the pledge given by Parliament on the 20th August, 1917, seem to have lost sight of the Reforms which is to teach the people how to govern themselves, supports the *Board Constitution* of the Local Government which would in no way train the Burmese people for complete representative government, whether as voters, as members of the Legislature, or as ministers, because where there is no responsibility of the elector, where does his political education come in, what interest can he take in the proceedings of the Legislature, when the effect of the "Despatch Scheme" creates an indirect electorate where the majority of the voters are officials? Can this be representative government; is it even a pretence at representative government? Training in Local Government if not training in Self-Government; the former, in short, is administration, whereas the latter is legislation and decision of the great questions of policy. The Constitution proposed by the Government of India is strongly

condemned in paragraph 81 of the Joint Report and again in the debate in the House of Commons, on December 4th, 1919. It moreover keeps alive class and race feeling instead of welding all the dwellers in Burma into one nation. It should not be our object to make anyone think of himself as a member of a separate class, aloof from the general like of the nation.

The Budget is also, in this "Despatch Scheme," kept outside Legislative control, reducing the Legislature to a debating society; for without control of the Budget there is, surely, no responsibility, and without responsibility there is no self-government. "Responsibility," says the Joint Report, "is the saviour of popular government and that saviour the (then) present Councils wholly lack. We are agreed that our first object must be to invest them with it." The present proposal of the Viceroy is in direct conflict with his previous opinion. Their proposal for Executive Councillors, it was pointed out, is similar to that condemned in paragraph 217 of the Joint Report, for it is not Dyarchy. In support of this singular arrangement, it is alleged that there are no Burmans fit to be Ministers. This, surely, is not true. It was pointed out by the deputation that there is an ample number of Burmans—many more indeed than in Assam or the Central Provinces—fit and capable to administer the same range of subjects as in India handed over to popular control.

That Sir Reginald Craddock, on whose opinion that of the Government of India is based, made precisely the same allegation against Indians. Why should the Government of India, which rejected his opinion on Indians amongst whom he has spent nearly his entire career, accept his view on the Burmese, whom he can know but slightly, and that at second-hand? This "Despatch Scheme" misconceives wholly what is the soul of representative government.

The deputation further pointed out, it is sophistry to assert, as the Despatch does, that the proposed Burma Constitution is in any way "analogous" to the Indian Provincial Constitution. The Secretary of State for India was reminded that the pledge he gave in Parliament for Burma was "*an analogous grant of self-government, a similar grant of self-government, subject to differences in the local conditions.*" The deputation stressed that the Constitution proposed is not analogous; it is not similar; it is not self-government; and that, in short, the Government of India suggests the committal of a breach of faith, contravening the "Despatch Scheme" of the Local Government of Burma of the 22nd January, 1920.

The deputation pointed out that in place of the Local Government scheme supported by the Government of India, what the Burmese people, through their Associations, the Burma Reform League, the Young Men's Buddhist Associations and others, and through the great and thoroughly representative public meetings, held in Rangoon, on February 20th and May 2nd, 1920, is the following constitution, for which, in this matter they are unanimous, viz.:

- (1) Direct elections. No residential qualifications for candidates;
- (2) A wide franchise without sex qualifications;
  - (a) *Disqualifications.* Those who are under 21 (twenty-one) years of age; Those who are adjudged by a competent court to be of unsound mind; those who are not natives of India or of the Native States.
  - (b) *Qualifications.* (General). Those who pay a land tax of Rs. 12 (Rupees twelve) a year; or those who pay rent of Rs. 60 (Rupees sixty), or sixty baskets of paddy a year; or those who are assessed to income-tax; or clerks or professionals whose income is not less than Rs. 300 (Rupees three hundred) a year.
- (3) The Municipalities of Rangoon, Mandalay, Bassein, Moulmein, and Akyab to form

separate constituencies. Other towns to be merged in the districts in which they are situated.

- (4) No communal representation.
- (5) Eighty per cent. of the Legislature to be elected.
- (6) The principle of Dyarchy as in India.
- (7) The Legislature to control the Budget as in India.
- (8) In reserved subjects the vote of the Legislature, if there be a two-thirds majority, to prevail.
- (9) At least two Burmese Ministers enjoying the confidence of the Legislature.
- (10) At least two Executive Councillors, one only a non-Burman.
- (11) The Governor to be a man of Parliamentary experience sent out from England.
- (12) The President and Vice-President of the Legislature to be elected from among its members.
- (13) A declaration of Rights similar to the United States Law 416, for the Philippines to be included in the Act.
- (14) Separation from India, except that the Army, Navy, and Foreign policy remain under the Viceroy.

12. In concluding the memorial, the deputation pointed out that the question now is:—should Burma receive her new Constitution by a simple notification, under Section 15 (1) of the Government of India Act, or by a separate Bill. They pointed out, notification is the simpler and quicker course; that Declaration of Rights might possibly be granted under the powers to modify given by Section 15 (1) and that *Separation from India* is what Burma people certainly desire. That in fact it was the desire for it that led the Burmese people to ask for a separate Bill of Reforms for Burma, but, however, as they felt that demand for separation from India in the circumstances they found obtaining in England at the time would complicate matters and delay the Reforms so long overdue; and that as most of the Reforms wanted by Burma can be had by notification, they urged that a Royal Commission be sent to Burma to determine any modifications due to differences in local conditions and that this procedure would be in accordance with the pledge given in Parliament by the Secretary of State for India, and leaving the question of Separation to be taken up later after obtaining the Reforms much overdue.

13. The Report of the Second Deputation to England shows that after submission of this memorial the earliest result was known on the 23rd July, 1920, when, on that day, Draft Rules under the Government of India Act, 1919, came up before the House of Commons, where Colonel Wedgwood moved amendments to the Electoral Rules for Burma on behalf of the Deputation. They gave evidence before the Special Committee appointed by the Secretary of State for India on the 26th July following, and again on the 9th August, 1920, when the Deputation pressed for notification under Section 15 (1) of the Government of India Act, 1919, with modifications in favour of Burma as regards communal representation and women suffrage. The Special Committee promised to submit their report to the Secretary of State, who was interviewed in his office on the 12th August, 1920, when the deputation learnt that the Secretary of State took objection to the proposals of the Government of India, mainly for two reasons, viz.: want of responsibility in the parliamentary sense of the term, and the provision for indirect election, and that he would communicate with the Government of India and intimate the result in a fortnight. But when not hearing from him, the deputation addressed him, on the 27th August, 7th September, 10th September, and 15th September, 1920, and forwarding the Monster Memorial, signed by thousands of the citizens of Burma, and that had then arrived, and instalments of signatures thereto, and reminding the Secretary of State of the danger in delay.

The Monster Memorial reiterated all that had been



urged and pressed for previously. What is particularly noticeable therein is the request that "Burma might be separated from India in order that her path of progress towards the said goal (status of a self-governing unit in the British Empire) might not be obstructed by Indian difficulties and requirements . . . realising the fact that Burma wishes to preserve intact her special characteristics and genius and to contribute her national individuality to the common stock of nationhood embraced within the British Empire; and that "no scheme of Reforms will be acceptable to the people of Burma that does not, at least, set the course in the direction of separation from India."

It strongly condemns the "Despatch Scheme," which is based on the wrong interpretation of the word, "analogous" in the Joint Select Committee's recommendations and that the Government of India has gone wrong in interpreting it, as they ignored its connection with the announcement of August 20th, 1917, and that no scheme which does not comply with the test of responsibility can be regarded as "analogous" to what has been granted to the Indian Provinces. The London *Times* was approached through certain friends, and its attention drawn to the urgency of Burma Reforms, when a leader on "Aspirations of Burma" appeared on the 22nd September, 1920, in the *Times*.

14. On the 7th October following, it was learnt that the Secretary of State was ill and that he could make no definite announcement yet, because the Government of India was holding out on main principles! He was again addressed on the 15th October, 1920, urging the necessity of having the Reforms settled before the Prome Conference Resolution on Non-participation was held, with the result that the Special Committee met again on the 22nd October following and the Secretary of State issued the Statement which Reuter's Agency cabled out to Burma on the following day. The Special Committee met again on the 29th October, 1920, and decided upon Dyarchy for Burma, only two members dissenting. This decision was accepted by the Secretary of State for India and the London *Times* announced on the 20th November, 1920, that the principle of Dyarchy was to be applied to Burma, though the former on the 22nd November, said the announcement was premature. The *Times* rejoined that its announcement was believed to be substantially correct and declared that no decision other than the one in favour of Dyarchy would be fair to the Burmese people. This all showed how strenuously the Governments of Burma and India opposed the grant of some responsibility being included in the Reforms:

Commander Kenworthy and others of the Labour Party asked questions, when statements were made in reply on the 1st December, 1920, regretting an announcement could not be made then, although he recognized the urgency of the matter.

The last instalment of signatures to the Monster Memorial that arrived was forwarded on the 4th December for settlement of the Reforms before Christmas.

On the 8th December the Secretary of State said that he hoped to make a statement before Christmas. The deputation asked these Labour Party members to raise the question of Burma again on the following day, when a long statement was made in reply, to the effect that a short Bill would be introduced in the next session, the object of which would be to bring Burma into the scheme of Constitutional reform and that when it receives a second reading it will be referred to the Standing Committee together with the schemes of the Government of India and the Local Government of Burma when it should be for Parliament and not for the Secretary of State to decide and that he however hoped to convince the Committee that the principles of the scheme, as a Transitional method, for the other provinces of India is the best that could be found for Burma.

After this announcement Sir J. D. Rees, asked the

Secretary of State for India, on behalf of the deputation whether evidence would be taken before the Committee which would consider the Burma Bill and whether the deputation would remain or was free to return to Burma. The reply was to the effect that it would be for Parliament to decide and for the Committee when appointed to also decide whether to take evidence, and if so, from what bodies and persons, and that he could not therefore undertake the responsibility of advising whether the deputation should remain or return to Burma, so far as the Committee is concerned; that if they considered it advisable to prepare and place in his hands a written statement of their case, he will take an opportunity, if one presents itself, of communicating it to the Committee when appointed.

This reply, and the result of their enquiry among friends both in and out of Parliament led the deputation to return to Burma, leaving it to Mr. Houghton to look after their case.

15. The result of the mission to England to press Burma's claim for grant of self-government analogous to that granted to the major provinces of India achieved by the Burma Deputation may be summarized as follow:—

- (1) The London *Times* supported the case of Burma for Dyarchy.
- (2) The Indian Reform Committee, the special Committee and the Secretary of State for India in Council have rejected the Proposals of the Governments of India and Burma and accepted the principle of Dyarchy for Burma.
- (3) The Secretary of State has announced in Parliament that he would introduce a short Bill to extend the principle of Dyarchy to Burma. He hopes "to be able to convince the Standing Committee that the principles of the scheme, as a transitional method for the other provinces of India, is the best that could be found for Burma."
- (4) It is practically agreed that there should be no sex disqualification.

Besides working for constitutional reforms the deputation has questions asked in Parliament about rice control (which has since been practically abolished), Military occupation of Shwedagon Pagoda Hill, Board of Publicity, and the Electoral Rules, and protested against the Government of Burma's proposals to start an official newspaper.

In concluding, they record their gratitude to the members of the Burma Society and the Buddhist Society of Great Britain and Ireland for the kindness shown them; and they also record regretfully their sense of sorrow for the death of two earnest workers in the cause of Burma—U Tun Shein and Mr. T. W. Rollaston.

16. This brief account of the early struggles of the Burmese people is recorded here to show how dogged and persistent efforts to secure a system of Dyarchy that is superior to that granted to India for Burma which has practically manhood suffrage has been successful, that similar efforts must be put forth for obtaining Dominion Home Rule for Burma in advance of India and that the Simon Commission may be fully convinced and satisfied that Burma wants immediate and *Complete Separation from India*, and that Burma has every reason to decline to be governed by India and Indians, that the Burmese people decline to be identified with Indians and emphatically decline to be a province of India. We want to control our own destiny and govern ourselves.

We cannot and do not forget that Burma was once an Empire, having conquered the whole country including Siam, Assam, Manipur, Cachar, Naga Hills and Chittagong and defeated two inroads from China and that but for invading Bengal which was under British control in 1824, Burma might have continued as Independent Burma, and that moreover, we Burmans are a warlike and democratic people.

We request a small readjustment of our north-western boundary for including the Naga Hills,



Manipur, Cachar and adjoining tracts to round off the boundary there and we claim that the islands off Cape Negrais including also the Andamans and the Nicobars that are submerged extensions of Burma in the Sea of Burma (Bay of Bengal) and near to the Mergui Archipelago as coming within Burma's sphere of influence and should be incorporated and controlled by Burma.

Our request to the Commission for transmission to Parliament is—Dominion Home Rule for Burma. Our motto is: "Burma for Burmans" within the British Commonwealth of Free Nations forming the British Empire that she may be a *glowing Ruby* in the British Crown.

### PART III.

#### PROPOSED DRAFT CONSTITUTION OF THE BURMA FREE STATE.

##### PREAMBLE.

Whereas it is the declared policy of the British Parliament to grant full responsible Self-Government to British India, and necessarily to Burma, by the historical announcement in the House of Commons on August 20th, 1917, and by Royal Proclamation of the Crown on December 23rd, 1919, as the object of British policy with regard to India, and necessarily to Burma as well, as an integral part of the British Commonwealth of Free Nations forming the British Empire:

And whereas Parliament has appointed the Royal Statutory Commission composed of seven Parliamentarians selected from the three British parties under the Chairmanship of Sir John Simon, a Liberal, for the purposes of the inquiry imposed by Section 84A of the Government of India Act, 1919, to report as to whether and to what extent it is desirable to establish the principle of full responsible Self-Government indicated above or to modify or restrict its degree as then existing in Burma, including the question of whether a second chamber of the local legislature is or is not desirable, and to also inquire and report on any other matter affecting Burma:

And whereas the action of Parliament in such matters must be guided by the co-operation received from the people of Burma and by the extent which it is found that confidence can be reposed in the sense of responsibility of the Burmese people:

And whereas it is expedient to give to Burma the largest measure of independence of the Government of India, which is compatible with the circumstances of Burma:

And whereas it is imperative that all classes, and all races making up the Burmese peoples shall have full cultural, educational, and religious autonomy and it is essential that they shall be solemnly assured that all that is implied therein shall be guaranteed to them as well as an equitable share of political and economic opportunities which will allow them an adequate place "in the Sun of Burma," all such classes and races whether in a majority or in a minority being equally the children of the soil as any single one of them:

And whereas it is reasonable that each and every member of these classes and races require a clear statement of their inherent natural or fundamental rights that shall be such as could be independent of the legislature and enforceable by the proposed Supreme Court of Burma, under whose protection these indefeasible rights shall be placed:

And whereas it is desirable that certain other things which fall under the objects and purposes of a State rather than under fundamental rights, and coming under the aims and objects of a State, the realization of which would be dependent on the working of the legislative power and on political and economic expediencies shall also be equally assured to them, that there be justice for all, that the rights of all classes and all races may be protected without jeopardising the rights of the whole people as a Burmese Nation, that the different loyalties of the citizen, the worker, the family-man, the devotee, may frankly realise their right to live, each, in their

proper sphere, that all their loyalties may be integrated into the frame-work of the National life of Burma:

And whereas it is necessary to provide for the above essentials in a well-ordered and progressive and a free state, that the peace, happiness and prosperity of the Burmese peoples may be fully realized:

And whereas the above aims, aspirations and objects of the Burmese peoples are impossible and impracticable of realization by the continuance of the wholly artificial and unnatural union of Burma to India:

And whereas the Burmese people have been insisting for the separate existence of Burma as a distinct Nation within the British Commonwealth of Nations forming the mighty British Empire, much prior to August, 1917:

And whereas on the announcement by His Britannic Majesty's Government in the House of Commons made by the Secretary of State for India on 20th August, 1917, of the future British policy regarding the Governance of India and Burma, the Burmese people immediately despatched a delegation to Calcutta to interview His Excellency Baron Chelmsford, P.C., G.M.S.I., G.M.I.E., Viceroy of India, and the Right Honourable Mr. Edwin Montagu, P.C., His Majesty's Secretary of State for India then at Calcutta, to demand a reformed system of government for Burma and placing *Separation of Burma from India* in the forefront of Burma's political programme for a place in the Sun.

And whereas two other deputations were despatched by the Burmese people to England to secure for Burma *Separation from India*, and the *Reforms* that would suit Burma, once in 1919, and again in 1920, with a mandate from the people to ask for: (a) Dyarchy by Bill, "analogous" to that granted to the major provinces of India; (b) Separation from India; and (c) the Declaration of Rights for Burma:

And whereas on the return of the Second Deputation to England in June, 1920, the political situation and circumstances obtaining in England at the time, due to questions as those of Ireland, Russia, the Punjab Riots, the Coal Crisis, and Unemployment were such and were demanding the urgent attention and consideration of Parliament, they found that Parliament was not likely to have time to spare during that session, for consideration of Burma Reforms and for *Separation of Burma from India* by Bill, the Deputation reluctantly decided, that though the *Separation from India* is what the Burmese people want and that it was the desire for it that led the Burmese people to ask for a "Separate Bill of Reforms for Burma," but as it was likely that the Reforms that were much overdue would be considerably delayed, they must necessarily ask for one thing at a time, and so pressed for the grant of Dyarchy, deferring to a more favourable opportunity the question of demand for *Separation*:

And whereas the appointment of the Statutory Commission gives the required favourable opportunity to demand *Separation of Burma from India*; and in view of the further demand of Dominion Home Rule, by the mass of the Burmese peoples the Constitution for same to be on the lines detailed in the foregoing paragraphs to satisfy the Burmese people:

And whereas it is desirable, nay, necessary, that a small realignment of the boundary of Burma on the North Western frontier be made by including the Naga Hills, Manipur, Cachar and adjoining tracts to round off the boundary on the said frontier; that moreover the islands off Cape Negrais including also the Andamans, and the Nicobars that are submerged extensions of Burma in the Sea of Burma (Bay of Bengal), on the South-West be likewise included in Burma as coming within Burma's sphere of influence and to be controlled by Burma; and that Karenni adjoining Siam form a part of Burma on the East:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual, and Temporal, and Commons, in

this Parliament assembled, and by authority of the same :

That the Constitution hereunto annexed shall be the Constitution of Burma and that Burma shall be styled and known as THE BURMA FREE STATE.

#### CONSTITUTION OF THE BURMA FREE STATE

##### (MYANMA SHWEPYIGYI).

*Clause 1.* The Burma Free State (otherwise hereafter called or sometimes called Myanma Shwepyigyi) is a co-equal member of the Community of Nations forming the British Commonwealth of Free Nations.

*Clause 2.* All powers of Government and all authority legislative, executive and judicial in Burma, are derived from the people of Burma and the same shall be exercised in the Burma Free State (Myanma Shwe Pyigyi) through the organizations established by or under, and in accord with the Constitution.

*Clause 3.* Every person without distinction of sex, domiciled in the area of the jurisdiction of the Burma Free State (Myanma Shwe Pyigyi) at the time of the coming into operation of this Constitution, who was born in Burma or either of whose parents was born in Burma or who has been ordinarily resident in the area of jurisdiction of the Burma Free State (Myanma Shwe Pyigyi) for not less than twenty-five years, and claims Burmese Citizenship, is a citizen of the Burma Free State (Myanma Shwe Pyigyi) and shall within the limits of the jurisdiction of the Burma Free State (Myanma Shwe Pyigyi) enjoy the privileges and be subject to the obligations of such citizenship : Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred ; and the conditions governing the future acquisition and termination of citizenship in the Burma Free State (Myanma Shwe Pyigyi) shall be determined by law.

*Clause 4.* The national language of the Burma Free State (Myanma Shwe Pyigyi) is the Burmese language, but the English language shall be equally recognized as an official language. Nothing in this clause shall prevent special provisions being made by the Parliament of the Burma Free State (otherwise called and herein generally referred to as the "Wunthanu . . .") for districts or areas in which only one language is in general use.

*Clause 5.* No title of honour in respect of any services rendered in or in relation to the Burma Free State (Myanma Shwe Pyigyi) may be conferred on any citizen of the Burma Free State (Myanma Shwe Pyigyi) except with the approval or upon the advice of the Executive Council of the State.

*Clause 6.* The liberty of the person is inviolable, and no person shall be deprived of his liberty except in accordance with law. Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every Judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody he shall be detained to produce the body of the person so detained before such Court or Judge without delay and to certify in writing as to the cause of the detention and such Court or Judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law.

Provided, however, that nothing contained in this Clause shall be involved to prohibit control or interfere with any act of the military forces of the Burma Free State (Myanma Shwe Pyigyi) during the existence of a state of war or armed rebellion.

*Clause 7.* The dwelling of each citizen is inviolable and shall not be forcibly entered except in accordance with law.

*Clause 8.* Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen, and no law may be made either directly or indirectly

to endow any religion, or prohibit or restrict the free exercise thereof or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects State and between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation.

*Clause 9.* The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions, is guaranteed for purposes not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious or class distinction.

*Clause 10.* All citizens of the Burma Free State (Myanma Shwe Pyigyi) have the right to free elementary education.

*Clause 11.* All the lands and waters, mines and minerals, within the territory of the Burma Free State (Myanma Shwe Pyigyi) hitherto vested in the State, or any department thereof, or held for the public use or benefit, and all the lands and waters and islands that are the natural submerged extension of Cape Negrais within the territory of the Burma Free State (Myanma Shwe Pyigyi) including also Karenni on the East, adjoining Siam, also territory not yet precisely determined touching Tibet and China on the North and also the Naga Hills, Manipur, Cachar and adjoining tracts on the west to be subsequently determined, once under Burma, and also all the natural resources of these territories (including the air and all forms of potential energy), and also all royalties and franchises within these said territories shall, from and after the date of coming into operation of this Constitution, belong to the Burma Free State (Myanma Shwe Pyigyi), subject to any trusts, grants, leases or concessions then existing in respect thereof, or any valid private interest therein, and shall be controlled and administered by the "Wunthanu . . ." in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or license to be worked or enjoyed under the authority and subject to the control of the "Wunthanu . . ." Provided that no such lease or license may be made for a term exceeding ninety-nine years, beginning from the date thereof, and no such lease or license may be renewable by the terms thereof.

*Clause 12.* A Legislature is hereby created to be known as the "Wunthanu . . ." It shall consist of the King and two Houses, the Chamber of Deputies (otherwise called and herein generally referred to as, "The Hludaw") and the Second Chamber (otherwise called and herein generally referred to as "The Byedaik.") The sole and exclusive power of making laws for the peace, order and good government of the Burma Free State (Myanma Shwe Pyigyi) is vested in the "Wunthanu . . ."

*Clause 13.* The "Wunthanu . . ." shall sit in or near Rangoon or in such other place as from time to time it may determine.

*Clause 14.* All citizens of the Burma Free State (Myanma Shwe Pyigyi) without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws shall have the right to vote for members of the *Hludaw* and to take part in the Referendum, provided they are literate in their mother tongue. No voter may exercise more than one vote at an election to the *Hludaw* and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

*Clause 15.* Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the Constitution or by law shall be eligible to become a member of the *Hlutdaw*.

*Clause 16.* No person may be at the same time a member of both of the *Hlutdaw* and of the *Byedaik* and if any person who is already a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

*Clause 17.* The oath to be taken by members of the "Wunthanu . . ." shall be in the following form :

I, . . . . . do solemnly swear true faith and allegiance to the Constitution of the Burma Free State, as by law established, and that I will be faithful to His Majesty King George V, his heirs and successors by law in virtue of the common citizenship of Burma with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Free Nations.

Such oath shall be taken and subscribed by every member of the "Wunthanu . . ." before taking his seat therein before the Representative of the Crown or some person authorized by him.

*Clause 18.* Every member of the "Wunthanu . . ." shall, except in case of treason, felony, or breach of the peace, be privileged from arrest in going to or returning from and while within the precincts of either House, and shall not, in respect of any utterance in either House, be amenable to any action or proceeding in any Court other than the House itself.

*Clause 19.* All official reports and publications of the "Wunthanu . . ." or of either House thereof shall be privileged and utterances made in either House, wherever published shall be privileged.

*Clause 20.* Each House shall make its own Rules and Standing Orders, with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

*Clause 21.* Each shall elect its own Chairman and Deputy Chairman and shall prescribe their powers, duties, remuneration and terms of office.

The member of the *Hlutdaw* who is the Chairman of the *Hlutdaw* immediately before a dissolution of the "Wunthanu . . ." shall, unless before such dissolution, he announces to the *Hlutdaw* that he does not desire to continue to be a member thereof be deemed without any actual election to be elected in accordance with this Constitution at the ensuing general election as a member of the *Hlutdaw* for the constituency for which he was a member immediately before such dissolution or, in the event of a revision of constituencies having taken place, for the revised constituency declared on such revision to correspond to such first-mentioned constituency. Whenever a former Chairman of the *Hlutdaw* is so deemed to have been elected at a general election as a member for a constituency the number of members actually to be elected for such constituency at such general election shall be one less than would otherwise be required to be elected therefor.

*Clause 22.* All matters in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present other than the Chairman or presiding member who shall have and exercise a casting vote in the case of an equality of votes. The number of members necessary to constitute a meeting of either House for the exercise of its powers shall be determined by its Standing Orders.

*Clause 23.* The "Wunthanu . . ." shall make provision for the payment of its members and may in addition provide them with free travelling facilities in any part of Burma.

*Clause 24.* The "Wunthanu . . ." shall hold at least one session each year. The Wunthanu . . . shall be summoned and dissolved by the Representative of the Crown in the name of the King and subject as aforesaid, the *Hlutdaw* shall fix the date of reassembly of the "Wunthanu . . ." and the date of the conclusion of the session of each House. Provided that the sessions of *Byedaik* shall not be concluded without its own consent.

*Clause 25.* Sittings of each House of the "Wunthanu . . ." shall be public. In case of special emergency either House may hold a private sitting with the consent of two-thirds of the members present.

*Clause 26.* The *Hlutdaw* shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the "Wunthanu . . ." but the total number of members of the *Hlutdaw* (exclusive of members for the Universities) shall not be fixed at less than one member for each one hundred thousand of the population or at more than one member for each seventy thousand of the population : Provided that the proportion between the number of members to be elected at any time for each constituency, as ascertained at the last preceding census shall, so far as possible, be identical throughout the country. The members shall be elected upon principles of Proportional Representation. The "Wunthanu . . ." shall revise the constituencies at least once in every ten years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of the *Hlutdaw* sitting when such revision is made.

*Clause 27.* Each University in the Burma Free State (Myanma Shwe Pyigy.) which was in existence at the date of the coming into operation of this constitution, shall be entitled to elect three representatives to the *Hlutdaw* upon a franchise and in a manner to be prescribed by law.

*Clause 28.* At a General Election for the *Hlutdaw* the polls (exclusive of those for members for the Universities) shall be held on the same day throughout the country, and that day shall be a day not later than thirty days after the date of the dissolution. The *Hlutdaw* shall meet within one month of such day and shall unless earlier dissolved continue for four years or for such shorter period as may be fixed by legislation from the date of its first meeting, and not longer. The *Hlutdaw* may not at any time be dissolved except on the advice of the Executive Council.

*Clause 29.* In case of death, resignation or disqualification of a member of the *Hlutdaw*, the vacancy shall be filled by election in manner to be determined by law.

*Clause 30.* The *Byedaik* shall be composed of citizens who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life.

*Clause 31.* The number of members of the *Byedaik* shall be thirty-six and may not exceed sixty. A citizen to be eligible for membership of the *Byedaik* must be a person eligible to become a member of the *Hlutdaw* and must have reached the age of thirty years. Subject to any provision for the constitution of the first *Byedaik* the term of office of a member of the *Byedaik* shall be nine years.

*Clause 31A.* The duration of the term of office of a member of the first *Byedaik* shall be reckoned from the beginning of the day on which this constitution comes into operation, and the duration of the term of office of a member of the *Byedaik* elected under Clause 32 of this constitution shall be reckoned from the beginning of the appropriate triennial anniversary of that day.

*Clause 32.* One third of the members of the *Byedaik*

shall be elected every three years from a panel constituted as hereafter mentioned at an election at which the electors shall be the members of the Hludaw and the members of the Byedaik voting together on principles of Proportional Representation. The voting at such elections shall be by secret ballot and no elector may exercise more than one vote thereat. The place and conduct of such elections shall be regulated by law.

*Clause 32A.* An election of members of the Byedaik under Clause 32 of this Constitution may be held at any time not more than three months before nor more than three months after the conclusion of the period of three years mentioned in that Clause.

A person who, after the day appointed by law for the completion of the formation of the panel of candidates and before the conclusion of the three years period running on that day, is chosen under Clause 34 of this Constitution to fill a vacancy caused by the death, resignation, or disqualification of a member of the Byedaik (other than a member about to retire at the conclusion of the said period) shall hold office until the conclusion of the next three years period and shall then retire.

*Clause 33.* Before each election of members of the Byedaik a panel shall be formed consisting of:—

(a) Three times as many qualified persons as there are members to be elected of whom two-thirds shall be nominated by the Hludaw voting according to the principles of Proportional Representation and one-third shall be nominated by the Byedaik voting according to principles of Proportional Representation; and

(b) Such persons who have at any time been members of the Byedaik (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by the Hludaw and the Byedaik respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country, provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

*Clause 34.* In the case of death, resignation, or disqualification of a member of the Byedaik his place shall be filled by a vote of the Byedaik. Any member of the Byedaik so chosen shall retire from office at the conclusion of the three years period then running and the vacancy thus created shall be additional to the places to be filled under Clause 32 of this Constitution. The term of office of the members chosen at the election after the first fifteen elected shall conclude at the end of the period or periods at which the member or members of the Byedaik, by whose death or withdrawal, the vacancy or vacancies was or were originally created, would be due to retire: Provided that the tenth or sixteenth member shall be deemed to have filled the vacancy first created by the death or withdrawal of the member or one of the members, the unexpired period of whose term of office was greatest at the time of the election, and so on.

*Clause 35.* The Hludaw shall in relation to the subject matter of Money Bills as hereinafter defined have legislative authority exclusive of the Byedaik.

A Money Bill means a Bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation, the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges, supply, the appropriation, receipt, custody, issue or audit of accounts of public money, the raising or guarantee of any loan or the repayment thereof, subordinate matters incidental to

those subjects or any of them. In this definition the expressions, "taxation" "public money" and "loan" respectively, do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

The Chairman of the Hludaw shall certify any Bill which in his opinion is a Money Bill to be a Money Bill, but if within seven days after any Bill has been certified by the Chairman of the Hludaw to be a Money Bill or after a Bill so certified has been passed by the Hludaw, whichever shall last happen, two-fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, or a majority of the members of the Byedaik present and voting at a sitting of the Byedaik at which not less than thirty members are present so resolve, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a chairman who shall be the senior judge of the Supreme Court, able and willing to act, and who, in the case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the Committee shall be final and conclusive.

*Clause 36.* The Hludaw shall as soon as possible after the commencement of each financial year, consider the estimates of receipts and expenditure of the Burma Free State (Myanma Shwe Pyigy) for that year and, save in so far as may be provided by specific enactment in each case, the legislation required to give effect to the Financial Resolutions of each year shall be enacted within that year.

*Clause 37.* Money shall not be appropriated by vote, resolution or law, unless the purpose of the appropriation has in the same session been recommended by a message from the representative of the Crown acting on the advice of the Executive Council.

*Clause 38.* Every Bill initiated in and passed by the Hludaw shall be sent to the Byedaik and may, unless it be a Money Bill, be amended in the Byedaik and the Hludaw shall consider any such amendment. Every Money Bill shall be sent to the Byedaik for its recommendations and at a period not longer than twenty-one days after it shall have been sent to the Byedaik, it shall be returned to the Hludaw, which may pass it, accepting or rejecting all or any of the recommendations of the Byedaik, and as so passed or if not returned within such period of twenty-one days shall be deemed to have been passed by both Houses.

*Clause 38A.* Whenever a Bill (not being a Money Bill) initiated on and passed by the Hludaw and sent to the Byedaik is within the stated period hereinafter defined either rejected by the Byedaik or passed by the Byedaik with amendments to which the Hludaw does not agree or is neither passed (with or without amendment) nor rejected by the Byedaik within the said stated period, the Hludaw may within one year after the said stated period by resolution expressly passed under this Clause again send such Bill to the Byedaik in the form (save only for such modifications as are hereinafter authorised) in which it was first so sent, and if the Byedaik does not, within sixty days thereafter or such longer period as may be agreed to by both Houses, pass such amendments only as agreed to by the Hludaw, such Bill shall, if the Hludaw so resolves after the expiration of such sixty days or longer period aforesaid be deemed to have been passed by both Houses or the "Wunthanu . . ." at the expiration of the said sixty days or longer period aforesaid in the form in which it was so last sent to the Byedaik with such (if any) amendments as may have been made therein by the Byedaik and agreed to by the Hludaw.

The said stated period is the period commencing on the day on which the said Bill is first sent by the Hludaw to the Byedaik and ending at whichever of the following times is the earlier, that is to say, the expiration of eighteen months from the commencement of the said period or the date of the reassembly

of the "Wunthanu . . ." after a resolution occurring after the commencement of the said period.

When a Bill initiated in and passed by the Byedaik is amended by the Hlutdaw, such a Bill shall be deemed to have been initiated in the Hlutdaw and this Clause shall apply to such Bill accordingly and for the purpose of such application the said stated period shall, in relation to such Bill, commence on the day on which such Bill is first sent to the Byedaik after being amended by the Hlutdaw.

Whenever a Bill has been sent by the Hlutdaw to the Byedaik nothing in this clause shall operate to restrict the right of the Hlutdaw to send such Bill on any subsequent occasion to the Byedaik otherwise than under this clause, and when such Bill is so sent to the Byedaik this clause shall apply as if such subsequent occasion were the first occasion on which such Bill was sent by the Hlutdaw to the Byedaik.

A Bill sent a second time by the Hlutdaw to Byedaik and required for the purposes of this clause to be in the form in which it was first so sent may contain such (if any) modifications as shall be certified by the Chairman of the Hlutdaw to represent amendments made therein by the Byedaik and agreed to by the Hlutdaw or to be necessary owing to the lapse of time since such Bill was first sent by the Hlutdaw to the Byedaik.

Clause 39. A Bill may be initiated in the Byedaik and if passed by the Byedaik shall be introduced into the Hlutdaw. If amended by the Hlutdaw the Bill shall be considered as a Bill initiated in the Hlutdaw. If rejected by the Hlutdaw it shall not be introduced again in the same session but the Hlutdaw may reconsider its own motion.

Clause 40. A Bill passed by either House and accepted by the other House shall be deemed to be passed by both Houses.

Clause 41. As soon as any Bill shall have been passed or deemed to have been passed by both Houses, the Executive Council shall present the same to the Representative of the Crown for the signification by him in the King's name of the King's assent, and such Representative may withhold the King's assent or reserve the Bill for the signification of the King's pleasure: Provided that the Representative of the Crown shall in the withholding of such assent to or the reservation of any Bill, act in accordance with the law, practice, and Constitutional usage governing the like withholding of assent or reservation, in the Dominion of the Burma Free State.

A Bill reserved for the signification of the King's Pleasure shall not have any force unless and until within one year from the day on which it was presented to the Representative of the Crown for the King's assent, the Representative of the Crown signifies by speech or message to each of the Houses of "Wunthanu . . ." or, by proclamation, that it has received the assent of the King in Council.

An entry of every such speech, message or proclamation shall be made in the journal of each House and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the Records of the Burma Free State (Myanma Shwe Pyigy).

Clause 42. As soon as may be after any law has received the King's assent, the clerk or such officer as the Hlutdaw may appoint for the purpose shall cause two fair copies of such law to be made, one being in the Burmese language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as the Hlutdaw may determine), and such copies shall be conclusive evidence as to the provisions of every such law and in case of conflict between the two copies so deposited that signed by the Representative of the Crown shall prevail.

Clause 43. The "Wunthanu . . ." shall have no power to declare acts to be infringements of the law which were not so at the date of their commission.

Clause 44. The "Wunthanu . . ." may create

subordinate Legislatures with such persons as may be decided by law.

Clause 45. The "Wunthanu . . ." may provide for the establishment of Functional or Vocational Councils representing branches of the social and economic life of the Nation. A law establishing any such Council shall determine its powers, rights and duties, and its relation to the Government of the Burma Free State (Myanma Shwe Pyigy).

Clause 46. The "Wunthanu . . ." has the exclusive right to regulate the raising and maintaining of such armed forces as are mentioned in the Scheduled Treaty in the territory of the Burma Free State (Myanma Shwe Pyigy) and every such force shall be subject to the control of the "Wunthanu . . ."

Clause 47. Save in the case of actual invasion, the Burma Free State (Myanma Shwe Pyigy) shall not be committed to active participation in any war without the assent of the "Wunthanu . . ."

Clause 48. Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the "Wunthanu . . ." but no such amendment, passed by both Houses of the "Wunthanu . . ." after the expiration of a period of eight years from the date of coming into operation of this Constitution shall become law, unless the same shall after it has been passed or deemed to have been passed by the said two Houses of the "Wunthanu . . ." have been submitted to a Referendum of the people, and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation.

Clause 49. The Executive Authority of the Burma Free State (Myanma Shwe Pyigy) is hereby declared to be vested in the King, and shall be exercisable in accordance with the law, practice and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of the Irish Free State, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Burma Free State (Myanma Shwe Pyigy) to be styled the Executive Council. The Executive Council shall be responsible to the Hlutdaw, and shall consist of not more than twelve nor less than five ministers appointed by the Representative of the Crown on the nomination of the President of the Executive Council.

Clause 50. Those Ministers who form the Executive Council shall all be members of the Hlutdaw and shall include the President of the Council, the Vice-President of the Council, and the Minister in charge of the Department of Finance.

Clause 51. The President of the Council shall be appointed on the nomination of the Hlutdaw. He shall nominate a Vice-President of the Council, who shall act for all purposes in the place of the President, if the President shall die, resign, or be permanently incapacitated, until a new President of the Council shall have been elected. The Vice-President shall also act in the place of the President during his temporary absence. The other ministers who are to hold office as members of the Executive Council shall be appointed on the nomination of the President, with the assent of the Hlutdaw, and he and the ministers nominated by him shall retire from office should he cease to retain the support of a majority in the Hlutdaw, but the President and such ministers shall continue to carry on their duties until their successors shall have been appointed: Provided, however, that the "Wunthanu . . ." shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in the Hlutdaw.

Clause 52. The Executive Council shall be collectively responsible for all matters concerning the Department of State administered by Members of

the Executive Council. The Executive Council shall prepare Estimates of the receipts and expenditure of the Burma Free State (Myanma Shwe Pyigyí) for each financial year, and shall present them to the Hludaw before the close of the previous financial year. The Executive Council shall meet and act as a collective authority.

*Clause 53.* Ministers who shall not be members of the Executive Council may be appointed by the Representative of the Crown and shall comply with the provisions of clause 17 of this Constitution. Every such Minister shall be nominated by the Hludaw on the recommendation of a Committee of the Hludaw chosen by a method to be determined by the Hludaw, so as to be impartially representative of the Hludaw. Should a recommendation be not acceptable to the Hludaw, the Committee may continue to recommend names until one is found to be acceptable. The total number of Ministers including the Ministers of the Executive Council, shall not exceed twelve.

*Clause 54.* Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be individually responsible to the Hludaw alone for the administration of the Department or Departments of which he is the head: Provided that should arrangements for Functional or Vocational Councils be made by the "Wunthanu . . ." these Ministers or any of them may, should the "Wunthanu . . ." so decide, be members of, and be recommended to the Hludaw by such Councils. The term of office of any Minister, not a member of the Executive Council, shall be the term of the Hludaw existing at the time of his appointment. But he shall continue in office until his successor shall have been appointed, and no such Minister shall be removed from office during his term otherwise than by the Hludaw itself, and then for stated reasons, and after the proposal to remove him has been submitted to a Committee, chosen by a method to be determined by the Hludaw, so as to be impartially representative of the Hludaw and the Committee has reported thereon.

*Clause 55.* Every Minister shall have the right to attend and be heard in the Byedaik.

*Clause 56.* The appointment of a member of the Hludaw to be a minister shall not entail upon him any obligation to resign his seat or to submit himself for re-election.

*Clause 57.* Ministers receive such remuneration as may from time to time be prescribed by law, but the remuneration of any Minister shall not be diminished during his term of office.

*Clause 58.* The Representative of the Crown who shall be styled the Governor-General of the Burma Free State (Myanma Shwe Pyigyí) shall be appointed in like manner as the Governor-General of the Irish Free State and in accordance with the practice observed in the making of such appointments. His salary shall be of the like amount as that now payable to the Governor-General of, say, the Irish Free State, and shall be charged on the public funds of the Burma Free State (Myanma Shwe Pyigyí) and suitable provision shall be made out of these funds for the maintenance of his official residence and establishment.

*Clause 59.* All revenues of the Burma Free State (Myanma Shwe Pyigyí) from whatever source arising, shall, subject to such exception as may be provided by law, form one fund which shall be called and known as "The Central Fund of the Myanma Shwe Pyigyí," and may for brevity be referred to as "The Central Fund," and shall be appropriated for the purposes of the Burma Free State (Myanma Shwe Pyigyí) in the manner and subject to the charges and liabilities imposed by law.

*Clause 60.* The Hludaw shall appoint a Comptroller and Auditor-General to act on behalf of the Burma Free State (Myanma Shwe Pyigyí). He shall control all disbursements and shall audit all accounts of moneys administered by or under authority of the "Wunthanu . . ." and shall report to the

Hludaw at stated periods to be determined by law.

*Clause 61.* The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by the Hludaw and the Byedaik. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the "Wunthanu . . ." nor shall he hold any other office or position of emolument.

*Clause 62.* The judicial power of the Burma Free State (Myanma Shwe Pyigyí) shall be exercised and justice administered in the public courts established by the "Wunthanu . . ." by judges appointed in manner hereinafter provided. These Courts shall comprise Courts of First Instance and a Court of Final Appeal to be called the Supreme Court. The Courts of First Instance shall include a High Court, invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal and also Courts of local and limited jurisdiction with a right of appeal as determined by law.

*Clause 63.* The judicial power of the High Court shall extend to the question of the validity of any law, having regard to the provisions of the Constitution. In all cases in which such matters shall come into question, the High Court alone shall exercise original jurisdiction.

*Clause 64.* The Supreme Court of the Burma Free State (Myanma Shwe Pyigyí) shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations as may be prescribed by law have appellate jurisdiction from all decisions of the High Court. The decisions of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever: Provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

*Clause 65.* The number of judges, the constitution and organization of, and distribution of business and jurisdiction among the said Courts and judges, and all matters of procedure shall be as prescribed by the laws for the time being in force and the regulations made thereunder.

*Clause 66.* The judges of the Supreme Court and of the High Court and of all other courts established in pursuance of this constitution shall be appointed by the Representative of the Crown on the advice of the Executive Council. The judges of the Supreme Court and of the High Court shall not be removed except for stated misbehaviour or incapacity, and then only by resolutions passed by both the Hludaw and the Byedaik. The age of retirement, the remuneration and the pension of such judges on retirement and the declarations to be taken by them on appointment shall be prescribed by law. Such remuneration may not be diminished during their continuance in office. The terms of appointment of the judges of such other courts as may be created shall be prescribed by law.

*Clause 67.* All judges shall be independent in the exercise of their functions, and subject only to the Constitution and the law. A judge shall not be eligible to sit in the "Wunthanu . . ." and shall not hold any other office or position of emolument.

*Clause 68.* No one shall be tried save in due course of law and extraordinary courts shall not be established save only such Military Tribunals as may be authorised by law for dealing with military offenders against military law. The jurisdiction of Military Tribunals shall not be extended to or exercised over the civil population save in time of war or armed rebellion and for acts committed in time of war or armed rebellion and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which all civil courts are open or capable of being

held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

*Clause 69.* A member of the armed forces of the Burma Free State (Myanma Shwe Pyigy) not on active service shall not be tried by any Court Martial or other Military Tribunal for an offence cognizable by the Civil Courts, unless such offence shall have been brought expressly within the jurisdiction of Courts Martial or other Military Tribunal by any code of laws or regulations for the enforcement of military discipline which may be hereafter approved by the "Wunthanu . . ."

*Clause 70.* No person shall be tried on any criminal charge without a jury save in the case of charges in respect of minor offences triable by law before a Court of Summary Jurisdiction and in the case of charges for offences against military law triable by Court Martial or other Military Tribunal.

#### TRANSITORY PROVISIONS.

*Clause 71.* Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Burma Free State (Myanma Shwe Pyigy) at the date of coming into operation of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the "Wunthanu . . ."

*Clause 72.* Nothing in this Constitution shall affect any liability to pay any tax or duty payable in respect of the financial year current at the date of the coming into operation of this constitution or any preceding financial year, or in respect of any period ending on or before the last day of the said current financial year, or payable on any occasion happening within that or any preceding year, or the amount of such liability; and during the said current financial year all taxes and duties and arrears thereof shall continue to be assessed, levied and collected in like manner in all respects as immediately before this Constitution came into operation, subject to the like adjustments of the proceeds collected as theretofore applicable; and for that purpose the Executive Council shall have the like powers and be subject to the like liabilities as the Provisional Government.

Goods transported during the said current financial year from or to the Burma Free State (Myanma Shwe Pyigy) to or from any part of India or Great Britain shall not, except so far as the Executive Council may otherwise direct, in respect of the forms to be used and the information to be furnished, be treated as goods exported or imported as the case may be.

For the purpose of this clause, the expression "financial year" means, as respects income-tax (including super-tax) the year of assessment, and as respects other taxes and duties, the year ending on the thirty-first day of March.

*Clause 73.* Until Courts have been established for the Burma Free State (Myanma Shwe Pyigy) in accordance with this Constitution, the supreme Court of Judicature, District and Sessions Courts, Sub-divisional Courts, Township Courts and Courts of Summary Jurisdiction, as at present existing, shall for the time being continue to exercise the same jurisdiction as heretofore, and any judge or justice, being a member of any such Court, holding office at the time when this Constitution comes into operation, shall for the time being continue to be a member thereof and hold office by the like tenure and upon the like terms as heretofore, unless in the case of a judge of the said Supreme Court or of a district Court, he signifies to the Representative of the Crown his desire to resign. Any vacancies in any of the said Courts so continued may be filled by appointment made in like manner as appointments to judgeships in the Courts established under this Constitution: Provided that the provisions of Clause 64 of this Constitution as to the decisions of the Supreme Court established under this Constitution shall apply to decisions of the Court of Appeal continued by this Clause.

*Clause 74.* If any judge of the said Supreme Court of Judicature or of the present High Court of Judicature or of any of the said District Courts on the establishment of Courts under this Constitution, is not with his consent appointed to be a judge of any such Court, he shall, for the purpose of such favourable terms as may be determined for payment of fair compensation, be treated as if he had retired in consequence of the change of Government effected in pursuance of complete separation from India, but the rights so conferred shall be without prejudice to any rights or claims that he may have against the Government of India or the British Government.

*Clause 75.* Every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the Government of India or the British Government to the Provisional Government) shall on that date be transferred to and become an officer of the Burma Free State (Myanma Shwe Pyigy); and shall hold office by a tenure corresponding to his previous tenure.

*Clause 76.* Every such existing officer who was transferred from the Indian or the British Government by virtue of any transfer of services to the Provisional Government shall be entitled to the benefit of clause 74 of this Constitution.

*Clause 77.* The transfer of the administration of any public service, the administration of which was not before the date of the coming into operation of this Constitution transferred to the Provisional Government, shall be deferred until the 31st day of March, 1930, or such earlier or later date as may, after one month's previous notice in the Official Gazette, be fixed by the Executive Council, and such of the officers engaged in the administration of these services at the date of transfer, as may be determined in the manner hereinafter appearing shall be transferred to and become officers of the Burma Free State (Myanma Shwe Pyigy); and clause 75 of this Constitution shall apply as if such officers were existing officers of the Provisional Government who had been transferred to that Government from the Indian or the British Government. The officers to be so transferred in respect of any services shall be determined in like manner as if the administration of the services had before the coming into operation of the Constitution been transferred to the Provisional Government.

*Clause 78.* As respects departmental property, assets, rights, and liabilities, the Government of the Burma Free State (Myanma Shwe Pyigy) shall be regarded as the successors of the Provisional Government, and, to the extent, to which functions of Indian or any department of the British Government become functions of the Government of the Burma Free State (Myanma Shwe Pyigy), as the successors of such department of the Indian or British Government.

*Clause 79.* After the date on which this Constitution comes into operation the House of the Parliament elected in pursuance of the Burma Free State (Agreement) Act, 1930? (being the Constituent Assembly for the settlement of this Constitution) may, for a period not exceeding one year from that date, but subject to compliance by the members thereof with the provisions of clause 17 of this Constitution, exercise all the powers and authorities conferred on the Hludaw by this Constitution, and the first election for the Hludaw under clauses 26, 27 and 28 hereof shall take place as soon as possible after the expiration of such period.

*Clause 80.* Notwithstanding anything contained in clauses 14 and 33 hereof, the Byedaik shall be constituted immediately after the coming into operation of this Constitution in the manner following, that is to say:—

(a) The first Byedaik shall consist of thirty-six and may not exceed sixty members of whom one-half, i.e., eighteen or thirty as the number determined may be, shall be elected and the other half shall be nominated.



## THE SEPARATION LEAGUE.

(b) The eighteen or thirty nominated members of the Byedaik shall be nominated by the President of the Executive Council, who shall, in making such nominations, have special regard to the providing of representation for groups or parties not then adequately represented in the Hludaw.

(c) The eighteen or thirty elected members of the Byedaik shall be elected by the Hludaw voting on principles of Proportional Representation.

(d) Of the eighteen or thirty nominated members, nine or fifteen elected by lot, shall hold office for the full period of nine years; the remaining nine or fifteen shall hold office for the period of six years.

(e) Of the eighteen or thirty elected members the first nine or fifteen elected shall hold office for

the period of six years, the remaining nine or fifteen shall hold office for the period of three years.

(f) At the termination of the period of office of any such members, members shall be elected in their place in manner provided by clause 32 of this Constitution.

(g) Casual vacancies shall be filled in manner provided by clause 34 of this Constitution.

Clause 81. The passing and adoption of this Constitution by the Constituent Assembly and the British Parliament shall be announced as soon as may be, and not later than the sixth day of December, Nineteen Hundred and Thirty, by Proclamation of His Majesty, and this Constitution shall come into operation on the issue of such Proclamation.

## Memorandum submitted by the Separation League, Rangoon, Burma.

## MEMORANDUM ON THE DRAFT CONSTITUTION FOR BURMA.

The aims and objects of the League for the Separation of Burma from India are :—

- (1) Separation of Burma from India, and
- (2) Full Responsible Self-Government for Burma, within the Empire.

The League was launched into existence on the 3rd of September, 1928, when the organisers published the aims and objects of the League in the Local press and invited those who approved of these aims and objects to join the League. A Draft Constitution for Burma was drawn up by a Sub-Committee of the Executive Committee of the League, and at its meeting held on the 30th November, 1928, the Executive Committee of the League decided to invite the leading political organisations of Burma to a joint discussion of the Draft Constitution at an All-Parties Conference to be held on Saturday, the 12th of December, 1928. The organisations so invited were :—

The Burma Provincial Congress Committee,  
U Chit Hlaing's G.C.B.A.,  
The People's Party,  
The National Parliamentary Organisation,  
The Home Rule Party,  
The Hundred Committee,  
The Anglo-Indian and Domiciled European Association,  
The British Burman Association,  
U Shoe Thein's G.C.B.A.,  
The Mandalay Baho Organisation,  
The Burma for Burmans' League,  
The Constitutional Club,  
The Karen National Association, and  
The Wunthanu Central Organisation of Mandalay.

By an oversight on the part of the office, no invitation was issued to the Anglo-Indian and Domiciled European Federation, but Mr. Campagnac, the President of that body, was present at the earlier stages of the Conference. The Burma for Burmans' League, the British Burman Association, the Karen National Association, the Burma Provincial Congress Committee and the People's Party sent their representatives to the Conference. U Soe Thein's G.C.B.A. sent a reply expressing its views on the Draft Constitution. Besides sending its representative, the Karen National Association also sent a statement of criticisms of the Draft Constitution. The Parliamentary Organisation, the Wunthanu Central Or-

ganisation of Mandalay and the Anglo-Indian and Domiciled European Association replied stating their respective reasons for not attending the Conference. The replies received from these bodies are annexed hereto. No replies were received from the other organisations invited to the Conference.

The discussion at the joint Conference did not disclose any serious divergence of view on important matters except on the question of communal representation for Karens. The representative of the Karen National Association agreed that communal representation would be a serious obstacle to the growth of a national system of government, but he pressed the view that as the Karens were a backward race and as the majority of them feared that they would have no chance in open elections against the other races, a certain number of seats should be reserved for the Karens or at least such arrangements should be made as to ensure them a certain number of seats. The other representatives were all against communal representation being conceded to any particular community. Their view was that communal representation is not only vicious in principle but also not necessary in Burma in view of the fact that the electorate as shown by the experience of all the elections held since the inauguration of the Reforms are not swayed by racial or religious prejudice, but elect the candidates who they think would best serve them in the Council, irrespective of race or religion.

The views expressed at the Conference were placed before the Executive Committee and the Draft Constitution with such amendments as were considered necessary in the light of the criticisms received from the public and from the political organisations represented at the Conference was placed by the Executive Committee before the general meeting of the League, held on the 13th of December, 1928.

The Draft Constitution submitted to the Indian Statutory Commission was the same as that passed by the General Meeting. The General Meeting also empowered the Executive Committee to take all such measures as in the discretion of the Executive Committee are necessary or advisable for carrying out the aims and objects of the League. The Executive Committee, at its meeting held on the 15th of January, 1929, decided to submit to the Indian Statutory Commission the Draft Constitution together with a Memorandum explaining its nature and scope. Owing to various causes, the Sub-Committee charged with the task of preparing the Memorandum could not undertake it early and all that they could do within the limited time at their



disposal was to produce a brief statement of the objects and reasons of the Draft Constitution.

Although the enrolment of members began only as recently as the 3rd of September last, and propaganda has so far been practically confined to the Press, the number of members has risen to 8,435, on the 30th January, 1929, thus demonstrating that the aims and objects of the League are already shared by the mass of the people of Burma and the Executive Committee hopes that before very long the movement organised by the League will spread over the length and breadth of Burma and become a truly national one. Public meetings have been held and are being held at various important centres such as Pegu, Mandalay, Moulmein, Bassein, etc., to express approval of the aims and objects of the League, and of its Draft Constitution.

The basic ideas on which the Draft Constitution rests are :—

- (1) Separation of Burma from India, and
- (2) Dominion Status for Burma.

#### SEPARATION OF BURMA FROM INDIA.

The claim for separation from India is not a new one. It was urged by the political missions sent from Burma to India and to England. The political missions to England had to drop the question of separation from India for the time being as it was advised that the British Government was too pre-occupied to take up the question of separation and it would be easier to obtain from the British Government the same political concessions as the other provinces of India, and in dropping the question of separation from India and claiming the political concessions that had been granted to the major provinces of India, the Burmese missions were merely following the line of least resistance, reserving the question of separation from India for a more favourable opportunity. It was only after the split in the General Council of Burmese Associations when Indian politicians became influential in the counsels of the non-co-operating section that doubts began to be felt as to the good faith of the British Government and as to the wisdom of separating Burma from India before Dominion Status is secured by the joint efforts of India and Burma. The League is, however, confident that there is not a single Burman throughout the length and breadth of Burma who does not desire the separation of Burma from India coupled with Dominion Status for Burma, and that by far the greater portion of the Burmese people desire immediate and complete separation from India.

Nature has made Burma a self-contained country. For centuries before the annexation, Burma maintained a distinct political entity. Its people are as distinct from the people of India in race, religion, culture, customs and mental outlook as any two distinct peoples could possibly be. Burma became and remains an annexure to India not by reason of any natural affinity but only by force of British military conquest and occupation. Has Burma benefited by this artificial connection with India? No doubt, Burma has inherited the administrative experience of India and Indians have contributed to its development in a way, but in all things that really matter to a nation, Burma has lost heavily by its connection with India.

Burma has lost its national individuality, and along with that, its national self-respect. Unrestricted Indian immigration has caused acute and widespread economic distress among the Burmese people. Cheap Indian labour has displaced Burmese labour to an alarming extent. Much of the land made culturable by Burmese labour and capital has passed into the hands of Indians. In short, unless the Burmese would descend to the low standard of living of the Indians, the Burmese would be ousted from all departments of life by the increasing pressure of Indians. Antiquated Indian marriage laws and customs are now in force to the prejudice of Burmese women and their offspring. Communalism with all

its evils is taking root in Burma. As long as Burma remains a part of India, its manhood will never have a chance of acquiring military training. The pay and rations allowed to Indian soldiers and military policemen will not attract the right type of Burman to military service; and the Burmese people, once famed as a race of soldiers, are now in the sorry plight of being protected by foreign mercenaries.

Even under the Reforms, Burma's position has not appreciably improved. No Burman nor any non-Burman, equipped with experience and knowledge of Burma's special needs, has been appointed either to the Council of the Secretary of State for India or to the Viceroy's Council. Burma's representation in the Council of State and the Indian Legislative Assembly is not sufficient to influence the course of legislation in the Indian legislature. When Burma's interests clash with those of India the former invariably suffer, e.g., the imposition of protective duties on iron and steel, on paper, and on hide and skins, the salt policy, the retention of duty on rice exported from Burma, the withholding of the Viceroy's assent from the Burma Sea-Passengers Tax Bill, the arbitrary disbandment of the Burmese military units. The nation-building departments under the charge of responsible ministers in Burma are starved and crippled for want of funds. It is generally felt in Burma that Burma gets little return from India for the central revenues collected here. In the absence of authoritative information on the subject, it cannot be said that the feeling is unjustified. So long as that feeling persists, the Government of Burma will not be able to persuade the people, already heavily taxed, to submit to further taxation even for the purposes of financing the nation-building departments.

The League does not anticipate that Burma need incur very heavy military expenditure when it becomes autonomous, as the League is convinced that the first Bill that will be passed by a truly National Parliament will be one requiring every Burman of age to undergo military training. In the considered opinion of the League the only solution for the difficulties which beset Burma is an immediate and complete separation of Burma from India. The League, therefore, urges upon the British Government to separate Burma from India at the earliest possible date and, as a preliminary thereto, to take all such measures as may be necessary to secure an equitable settlement of the outstanding questions between the two countries. The League urges also that in the meantime Burma may be admitted to such political advancement as may be conceded to India as a result of the revision of the existing Reforms.

The Reforms were ushered into Burma under most inauspicious circumstances. The grant of the Reforms to Burma was delayed and was made long after India had got them. The non-co-operation movement had spread from India to Burma and by the time the Reforms were actually introduced in Burma, Burma was already caught in the meshes of the non-co-operation movement. The General Council of Burmese Associations which was then directing Nationalist activities in Burma was split over the question of entry into the Reformed Council, the minority decided to enter the Reformed Council and work Dyarchy for all it was worth and the majority deciding to boycott the Reformed Council.

In spite however, of adverse circumstances, the first Council did some useful work, and even staunch boycotters began to recognize that Dyarchy was not the unmitigated evil they had believed it to be. The strongest party in the first Council was the Nationalist party, recruited from the co-operating section of the General Council of Burmese Associations and one of its leaders was appointed Minister of Education. Such success as was achieved by the first Council was largely due to the tactful handling of important questions of the day by the then Governor (Sir Harcourt Butler) and to the abstention of the then Home Minister (the late Sir Maung Kin)

from party-politics. Sir Maung Kin was averse to forming a Government party and left the Ministers to shift for themselves. The result was that Government was sometimes defeated and Ministers had to consult the wishes of the elected members in order to maintain their position and carry on their duties.

A section of the boycotters entered the second Council in order, as they said, to "kill Dyarchy at close quarters." The second Council, however, disclosed all the inherent defects of Dyarchy. Sir Maung Kin who had died towards the end of the first Council was succeeded by one who apparently believed that it was the duty of the Home Member to organize and shepherd a strong Government party. Sir Maung Kin's successor toured the country just before the General Elections and rallied his forces for the coming fray. As in the first Council so in the second the strongest party in the Council was the Nationalist party. But no ministerial responsibility was given to it. Instead, a member who represented the Chinese Chamber of Commerce, a special constituency containing a preponderating foreign element and a member, who had been returned on the ticket of the Nationalist party and who about a week or two after his election resigned from the Nationalist Party, were appointed Minister of Forest and Minister of Education respectively, and subsequent to the appointment of these gentlemen as Ministers, a Party was formed to support them in the Council.

The party so formed consisted of special and communal representatives, nominated members and a few of the elected members. This party and the official bloc almost always voted together. As the ministers had no following of their own, and owed their position only to the conglomerate body euphemistically called the Independent Party and the official bloc, they lost all sense of responsibility to the elected members and became as "irresponsible" as the members of the Executive Council.

Government, always sure of a majority, treated the popular representatives with open contempt on many occasions. To illustrate how the unholy alliance between the Government party and the official bloc operated, it would be sufficient to cite two instances. A motion to set apart a sum of money for the translation of useful books from foreign languages into Burmese was brought up by a member of the Opposition. Government could not spare money for the purpose and decided to oppose it and the Government party voted with the official bloc. One of the spokesmen of that party who "knows no language but his own" stood up and strenuously opposed the motion which, if passed, would have benefited him and other people of his kind. Conversely, when the motion for the removal of sex-disqualification was brought up by a member of the Opposition, some of the influential members of the Government party brought up under the traditions of an age that is happily passed and not to be recalled, felt scandalised and opposed the motion "on principle." The officials had to do likewise, though, it must be said to their credit, some British Officials did not look happy when they had to walk into the "No" lobby.

There is hardly any reason to expect that matters would improve in the third Council. The present Home Member has been carrying on the policy of his immediate predecessor in office, only with less finesse. Members of the Government party in the second Council who stood for election to the third Council were heavily defeated at the polls but the Government was unrepentant. A scratch Party was formed. The Forest Minister who again was returned by the Chinese Chamber of Commerce was re-appointed Minister for Forest, and a Burmese Member who had no political nor administrative experience and who was hardly known even in his own profession was appointed Minister of Education. The position now is that there are no responsible Ministers. We have only highly paid mediocrities who are put in office by official support and who will remain in office only as long as they enjoy official confidence.

The League is in substantial agreement with the observations made by "Kerala Putra" in Chapter IV and Chapter V of his book, "The working of Dyarchy in the Provinces." In particular, the League agrees with the author when he says that Responsible Government even of a partial character, which was the purpose and object of the Reforms, has failed altogether to materialise, and it agrees with him also when he says that though Dyarchy in the Provinces "did not usher in Responsible Government even in the Transferred departments," it has, "in the Legislative and Conciliar aspects, resulted in considerable success. The administrative efficiency of the Provinces could not be said to have suffered, nor could the Services complain of a parliamentary inquisition into their conduct. The legislative work undertaken has been everywhere of a progressive and liberalising character and at least so far as the work of the Councils was concerned, all the fears entertained by the opponents of Indian Reforms have entirely been falsified."

The next question is as to how far and in what direction further political advancement should proceed. Dyarchy has served its purpose and a mere enlargement of the dyarchical system of Government would not satisfy any section of the politically-minded people of Burma. The present system must be supplanted by a unitary form of Government responsible to the Legislature. In the opinion of the League, there is no half-way house between Dyarchy and Dominion Government.

The Draft Constitution is modelled on the Constitution of the Irish Free State; certain provisions contained in the Nehru Scheme have also been incorporated in the Draft Constitution. While the people of Burma are secured by the Draft Constitution full opportunity to develop on the lines best suited to their national genius and traditions, necessary safeguards are provided in the Draft Constitution for the protection of legitimate vested interests.

A Constitution which has converted Ireland into a contented and willing partner of the British Commonwealth will have the same effect on the warm-hearted people of Burma who have been called the *Irish of the East*.

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#### DRAFT CONSTITUTION OF THE FREE STATE OF BURMA.

*Article 1.* Burma shall be styled and known as the Free State of Burma.

#### STATUS.

*Article 2.* Burma shall have the same constitutional status in the Comity of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Irish Free State with a Parliament having power to make laws for the peace, order and good government of Burma and an executive responsible to that Parliament.

#### OPERATION AND CONSTITUTION OF LAWS.

*Article 3.* This Act and all laws made thereunder by the Parliament of the Free State shall be binding on the Courts and people of every part of the Free State, notwithstanding anything in the laws of the Indian Legislature or of British Burma or in any Act of the United Kingdom extending to British Burma; and the laws of the Free State shall be enforced in all Burmese Territorial Waters.

#### CITIZENSHIP.

*Article 4.* The word "Citizen," whenever it occurs in this Constitution means:—

(a) Any Burman born in the Free State or the child born elsewhere to a Burman father, who was at the time of his birth a citizen of the Free State.

(b) Any other person born in the Free State and

whose father or mother was also born in the Free State.

(c) Any person who being a British-born subject has ordinarily resided in the Free State for a period of not less than 20 years and to whom a certificate of domicile has been granted in the manner prescribed by law.

(d) Any foreign-born subject who is naturalised in the Free State under the law in force for the time being.

EXPLANATION. The word "Burman" means a person belonging to an indigenous race of the Free State of Burma.

#### NATIONAL LANGUAGE.

Article 5. The national language of the Free State is the Burmese language, but the English language shall be equally recognized as an official language.

Nothing in this Article shall prevent special provision being made by the Parliament of the Free State for districts or areas in which only one language is in general use.

#### FUNDAMENTAL RIGHTS.

Article 6. (i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Free State of Burma through the organizations established by or under and in accord with this Constitution.

(ii) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated save in accordance with law.

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.

(iv.) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Free State of Burma have the right of free elementary education.

(vi) All citizens are equal before the law and possess equal civic and legal rights.

(vii) There shall be no penal law, whether substantive or procedural, of a discriminative nature.

(viii) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(ix) No punishment involving torture of any kind shall be lawful.

(x) Every citizen shall have the right to a writ of *habeas corpus*. Such right may be suspended in case of war or rebellion by an Act of Parliament or, if Parliament is not in session, by the Governor in Council and in such case he shall report the suspension to the Parliament at the earliest opportunity for such action as it may deem fit.

(xi) No person attending any school receiving State aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(xii) No person shall by reason of his religion, race or creed be prejudiced in any way in regard to public employment, office or honour or in the exercise of any trade or calling.

(xiii) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xiv) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment.

(xv) Every citizen shall have a right to keep and

bear arms in accordance with regulations made in that behalf.

(xvi) Men and women shall have equal rights as citizens.

#### PARLIAMENT.

Article 7. The legislative powers of the Free State shall be vested in a Parliament which shall consist of the King, the Senate and the Chamber of Deputies.

Article 8. The Governor shall be appointed by the King and may exercise in the Free State, during the King's pleasure but subject to this constitution, such powers and functions of the King as His Majesty may assign to him.

Article 9. (i) The Chamber of Deputies shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by Parliament, but the total number of members of the Chamber (exclusive of members of the Universities) shall not be fixed at less than one member for each one hundred thousand of population provided that the population of each constituency, as ascertained at the last preceding census shall, so far as possible, be identical throughout the country. Parliament shall revise the constituencies at least once in every ten years with due regard to changes in distribution of the population, but any alteration in the constituencies shall not take effect during the life of the Chamber sitting when such revision is made.

(ii) The Rangoon University and such other university or universities as may be established in the Free State after the coming into operation of this Constitution shall each be entitled to elect one representative to the Chamber upon a franchise and in a manner to be prescribed by law.

Article 10. (i) All members of the Chamber of Deputies shall be elected.

(ii) In case of death, resignation or disqualification of a member of the Chamber the vacancy shall be filled by election in manner to be determined by law.

(iii) There shall be no communal representation.

(iv) There shall be no plural constituencies.

Article 11. (i) All citizens of the Free State without distinction of sex who have reached the age of 21 years and are not disqualified by law shall have the right to vote for members of the Chamber of Deputies.

(ii) Every citizen of either sex who has reached the age of 25 and is not disqualified by law shall be eligible to become a member of the Chamber of Deputies.

Article 12. The Senate shall consist of the following:—

(a) One representative of each district, other than the Rangoon Town District.

(b) Two representatives of the Rangoon Town District.

(c) One representative of the Mandalay Town, and

(d) Seven members nominated by the Governor on the recommendation of the Prime Minister, to represent important interests and institutions in the country.

Article 13. (i) All citizens of the Free State without distinction of sex who have reached the age of 21 years and who possess the qualifications prescribed in Schedule A hereto annexed and are not disqualified by law shall have the right to vote for members of the Senate.

(ii) Every citizen of either sex who has reached the age of 30 years, and whose name is registered in the electoral roll of a constituency and is not disqualified by law, shall be eligible for election as a member of the Senate.

Article 14. (i) No person may be at the same time a member both of the Chamber of Deputies and the Senate, and if any person who is already a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

(ii) No voter may exercise more than one vote at an election to either House, and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

*Article 15.* Every Chamber of Deputies shall continue for four years and every Senate shall continue for five years provided that

(a) Either House of Parliament may be sooner dissolved by the Governor on the advice of the Executive Council.

(b) Any such period may be extended by the Governor on the advice of the Executive Council.

(c) After the dissolution of either House, the Governor shall appoint a date, not more than three months after the date of dissolution, for the next session of that House.

*Article 16.* The Governor may appoint such times and places for holding the sessions of either House of Parliament as he thinks fit and may also from time to time by notification or otherwise prorogue such sessions.

*Article 17.* Any meeting of either House may be adjourned by the person presiding.

*Article 18.* All questions in either House shall be determined by a majority of votes of members present other than the presiding member who shall, however, have and exercise a casting vote in the case of an equality of votes.

*Article 19.* The powers of either House may be exercised notwithstanding any vacancy therein.

*Article 20.* There shall be a Chairman of each House of Parliament who shall be a member of the House and shall be elected by the House. There shall also be a Deputy Chairman of each House who shall also be a member of the House and shall be similarly elected.

*Article 21.* The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the Chamber of Deputies and the members thereof, respectively, shall be such as are from time to time defined by Act of Parliament of the Free State.

*Article 22.* Parliament shall, subject to the provisions of this Constitution, have powers to make laws—

(a) for the peace, order and good government of the Free State;

(b) for the Nationals and servants of the Free State, within as well as without and beyond Burma;

(c) for the Government officers, soldiers, airmen and followers in His Majesty's Burmese Forces, wherever they are serving in so far as they are not subject to the Army Act or the Air Force Act, and

(d) for all persons employed or serving in or belonging to the Royal Burmese Marine Service or the Burmese Navy.

*Article 23.* The powers of the Parliament with respect to Foreign Affairs shall be the same as exercised by the Self-governing Dominions.

*Article 24.* Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the Houses of Parliament and as to the person to preside at their meetings in the absence of the Chairman and the Deputy Chairman; and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on, and the discussion of, any subjects specified in the rules.

*Article 25.* (i) Any Bill which appropriates revenues or monies for the ordinary annual services of the Free State Government shall deal only with such appropriations.

(ii) Bills imposing taxation shall deal only with an imposition of taxes and any provision therein dealing with any other matter shall be of no effect.

(iii) Bills affecting the public debt or for the appropriation of revenues or monies or for imposing taxation shall be introduced only by a member of the Executive Council and can only originate in the Chamber of Deputies.

*Article 26.* A Money Bill means a bill which contains only provisions dealing with all or any of the following subjects:—viz, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debts or other financial

purposes, of charges on public revenues or monies, or the variation or repeal of any such charges; supply; the appropriation, receipts, custody, issue, or audit of accounts of public monies; the raising of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this definition the expression "Taxation," "Public Money" and "Loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

*Article 27.* The Chairman of the Chamber of Deputies shall certify any Bill which is in his opinion a Money Bill to be a Money Bill, but if within three days after a Bill has been passed by the Chamber of Deputies two-fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a Chairman who shall be the Senior Judge of the Supreme Court able and willing to act, and who, in case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the Committee on the question shall be final and conclusive.

*Article 28.* A Money Bill passed by the Chamber of Deputies shall be sent to the Senate for its recommendations and it shall be returned not later than twenty-one days therefrom to the Chamber of Deputies which may pass it accepting or rejecting all or any of the recommendations of the Senate; and the Bill so passed shall be deemed to have been passed by both Chambers.

*Article 29.* (i) Subject to the provisions of this Act, a Bill may be initiated in either House and if passed by the originating House shall be introduced in the other House for being passed.

(ii) Except as otherwise provided under this Act, a Bill shall not be deemed to have been passed by Parliament unless it has been agreed to by both Houses either without amendment or with such amendments only as may be agreed to by both Houses.

(ii) If any Bill which has been passed by the Chamber of Deputies is not, within six months after the passage of the Bill by that House, passed by the Senate, either without amendments or with such amendments as may be agreed to by both Houses, the Governor shall on resolution passed by either House to that effect refer the matter for decision to a joint sitting of both Houses. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Chamber of Deputies and upon amendments if any, which had been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the Chamber of Deputies present at such sitting shall be taken to have been duly passed by both Houses of Parliament.

*Article 30.* (i) So soon as any Bill shall have been passed or deemed to have been passed by both Houses, it shall be presented to the Governor for the signification by him in the King's name of the King's assent, and the Governor may signify such assent or withhold the same or he may reserve the Bill for the signification of the King's pleasure.

(ii) A Bill passed by both Houses of Parliament shall not become an Act until the Governor signifies his assent thereto in the King's name, or in the case of a Bill reserved for signification of the King's pleasure until he signifies by speech or message to each House of Parliament or by proclamation that it has received the assent of the King in Council.

Provided that the Governor may, where a Bill has been passed by both Houses of Parliament and presented to him for the signification by him of the King's assent, or has been reserved by him for the signification of the King's pleasure, return the bill for reconsideration by Parliament with a recom-

mendation that Parliament shall consider amendments thereto.

(iii) Any Bill so returned shall be further considered by Parliament together with the amendments recommended by the Governor, and if re-affirmed with or without amendments, may be again presented to the Governor for the signification by him in the King's name of the King's assent.

#### THE EXECUTIVE.

*Article 31.* The executive power of the Free State is vested in the King and is exercisable by the Governor as the King's representative acting on the advice of the executive council subject to the provisions of this Act and of the laws of the Free State.

*Article 32.* (i) There shall be an executive council consisting of the Prime Minister and, until the Parliament otherwise provides, not more than eight ministers of the Free State.

(ii) The Prime Minister shall be appointed by the Governor and the Ministers shall also be appointed by him on the advice of the Prime Minister, from among the elected members of Parliament.

(iii) The executive council shall be collectively responsible to the Chamber of Deputies for all matters concerning the departments of Free State administered by Members of the executive council.

*Article 33.* The Governor's salary shall unless Parliament otherwise provides, be of the like amount as that now payable to the Governor-General of the Commonwealth of Australia and shall be charged on the public funds of the Free State of Burma and suitable provision shall be made out of those funds for the maintenance of his official residence and establishment. The salary of the Governor shall not be altered during his continuance in office.

*Article 34.* Ministers shall receive such remunerations as may from time to time be prescribed by law, but the remuneration of any Minister shall not be altered during his term of office.

*Article 35.* Until Parliament otherwise provides the appointment and removal of all other officers of the executive government of the Free State shall be vested in the Governor in Council, unless delegated by him or by a law of the Free State to some other authority.

*Article 36.* The Command-in-Chief of the Military, Naval and Air Force of the Free State is vested in the Governor as the King's representative.

#### HIGH COMMISSIONERS AND FOREIGN REPRESENTATIVES.

*Article 37.* The Free State shall have the power to appoint High Commissioners and other Foreign Representatives similar to that exercised by Canada and other Dominions. Such appointments shall be made by the Governor in Council who shall also make provision by rules for their pay, powers, duties and conditions of employment.

#### COMPTROLLER AND AUDITOR-GENERAL.

*Article 38.* The Chamber of Deputies shall appoint a Comptroller and Auditor-General to act on behalf of the Free State of Burma. He shall control all disbursements and shall audit all accounts of monies administered by or under the authority of Parliament and shall report to the Chamber of Deputies at stated periods to be determined by law.

*Article 39.* The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by the Chamber and the Senate. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of Parliament nor shall he hold any other office or position of emolument.

#### THE JUDICIARY.

*Article 40.* There shall be a Supreme Court which shall exercise such jurisdiction as Parliament shall

determine. The Supreme Court shall consist of a Lord Chief Justice and so many other Justices as Parliament may fix.

*Article 41.* The Lord Chief Justice of the Free State and all other judges of the Supreme Court of the Free State to be appointed after the establishment of the Free State shall be appointed by the Governor in Council and shall receive such remuneration as Parliament shall prescribe and their remuneration shall not be diminished during their continuance in office.

*Article 42.* The Lord Chief Justice of the Free State and other Judges of the Supreme Court of the Free State shall not be removed from office except by the Governor in Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

*Article 43.* The judgment of the Supreme Court in all cases shall be final and conclusive and shall not be reviewed or be capable of being reviewed by any other Court, Tribunal or Authority whatsoever, provided that nothing in the Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

#### PROPERTY, REVENUE AND FINANCE.

*Article 44.* All the lands and waters, mines and minerals, within the territory of the Free State of Burma hitherto vested in the State or any department thereof, or held for the public use or benefit, and also all the natural resources of the same territory (including the air and all forms of potential energy) and also all the royalties and franchises within that territory shall, from and after the date of the coming into operation of this Constitution, belong to the Free State of Burma, subject to any trusts, grants, leases, or concessions then existing in respect thereof, or any valid private interest therein, and shall be controlled and administered by Parliament, in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or license to be worked or enjoyed under the authority and subject to the control of the Parliament.

*Article 45.* All revenues of the Free State of Burma from whatever source arising shall, subject to such exceptions as may be provided by law form one fund, and shall be appropriated for the purpose of the Free State of Burma in the manner and subject to the charges and liabilities imposed by law.

#### DEFENCE.

*Article 46.* As soon as may be after the establishment of the Free State, the Governor in Council shall appoint a Commission to examine the whole question of the recruitment and training of officers and men for the Land, Naval and Air Forces of the Free State. The Commission so appointed shall report to the Governor in Council respecting,

- (a) The sources and methods of recruitment, conditions of service, pay and allowances.
- (b) The requisite number of schools and colleges for military instruction, their staffs, the places where they are to be established and the standard of instruction to be imparted in each, and
- (c) The estimated cost of its proposals.

*Article 47.* The Governor in Council shall lay the entire report of the said Commission together with his recommendations before the Parliament for such legislative or other action as it may deem fit.

*Article 48.* Parliament has the exclusive right to regulate the raising and maintaining of armed forces in the territory of the Free State, and every such force shall be subject to the authority and control of Parliament.

4 February, 1929.]

BURMA FOR BURMANS LEAGUE AND  
THE SEPARATION LEAGUE.

[Continued.]

## SERVICES.

*Article 49.* Subject to the provisions of the next succeeding Article, all officers of the Public Services shall at the establishment of the Free State become officers of the Free State.

*Article 50.* As soon as possible after the establishment of the Free State, the Governor in Council shall appoint a Public Service Commission to make recommendations for such reorganisation, and readjustment of the departments of the Public Services as may be necessary.

*Article 51.* Parliament may make laws for regulating the classification of the Civil Services in Burma, the sources and methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct. Parliament may also, to such extent and in respect of such matters as it may prescribe, delegate the power of making rules under the said laws to the Governor in Council.

*Article 52.* (i) After the establishment of the Free State, the Governor in Council shall appoint a permanent Public Service Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement, and superannuation of Public Officers, as Parliament shall determine.

(ii) Members of the Permanent Public Service Commission shall hold office for five years from the date of appointment.

*Article 53.* Any officer of the Public Services who desires to retire within three years of the establishment of the Free State or is not retained in the service of the Free State shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the Free State had not been established.

*Article 54.* All officers, British, Indian, and Burman, serving in the Army, the Navy, the Royal Indian Marine or the Air Force of India within the territory of the Free State at the commencement of the New Constitution, shall retain all their existing rights as to salaries, allowances or pensions or shall receive such compensation for the loss of any of them as the Governor in Council may consider just and equitable or as they would have received in like circumstances if the Free State had not been established. Further, all such officers, British, Indian, or Burman who were in receipt of pensions at the date of the commencement of the New Constitution shall continue to receive the same pension from the revenues of the Free State.

## SHAN STATES.

*Article 55.* The Free State shall exercise the same

rights in relation to, and discharge the same obligations towards the Shan States as the Government of India has hitherto exercised and discharged. In case of any difference between the Free State and any Shan State on any matter arising out of treaties, of engagements, sanads or similar other documents, the Governor in Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision.

## NEW STATES.

*Article 56.* The Parliament may admit to the Free State, or establish New States, and may, upon such admission or establishment, make or impose such terms and conditions including the extent of representation in either House of Parliament as it thinks fit.

## AMENDMENT OF CONSTITUTION.

*Article 57.* Parliament may, by law, repeal or alter any of the provisions of the Constitution provided that the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than two-thirds of the total number of the members of both Houses. A Bill so passed at such a joint sitting shall be taken to have been passed by both Houses of Parliament.

## SCHEDULE "A" referred to in Article 13.

A person shall be qualified to vote at the elections to the Senate who has a place of residence in the constituency and who

(a) has paid, during and in respect of the previous agricultural year, land revenue amounting to not less than Rs. 100/-, or

(b) was in the previous financial year assessed to income-tax, or

(c) has been an elected member of the Burma Legislative Council, or

(d) is or has been a member of the Chamber of Deputies, or

(e) is or has been a Fellow, or an Honorary Fellow, or a Member of the Senate, of any University constituted by law in the Free State of Burma, or

(f) is the non-official Chairman or Vice-Chairman of a District Central Bank which is a society registered under the Co-operative Societies Act of 1912, or

(g) is or has been the President of the Rangoon Corporation, or is or has been President, or is the Vice-President of any Municipal Committee established under the Burma Municipal Act, 1898, or of a District Council.

## Deputations from Burma for Burmans League and The Separation League.

## (1) BURMA FOR BURMANS LEAGUE.

The deputation consisted of :—

SAYA MYO, A.M.P. (President).

U. E. MG, Barrister-at-Law (President, Insein Municipality).

Mr. GEORGE H. MUNRO.

U MYA U, Barrister-at-Law, of Mandalay.

## (2) THE SEPARATION LEAGUE.

The deputation consisted of :—

U HLA TUN PRU, M.A., B.L. (M.L.A.)

U BA THEIN (Secretary).

*The Chairman :* I understand, gentlemen, that we have here U Mya U in support of the Memorandum

of the Burma for Burmans League, and besides we have also before us U E Mg, Mr. George H. Munro and Saya Myo. And then as representing the Separation League we have before us U Hla Tun Pru, who is a member of the Legislative Assembly, and also U Ba Thein.

126. *Sir Hari Singh Gour :* U Mya U, in this document you have said that you want the separation of Burma from India and you have got a scheme for the Constitution of Burma?—(U Mya U) Yes.

127. If you, gentlemen, get that Constitution for Burma, would you be still for separation?—Yes.

128. And what is your reason for asking for the separation of Burma?—Our reason for asking for the separation of Burma from India is that we want to keep our race by itself so that our race may not become extinct in the near future.

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129. And do you think that your race is threatened with extinction now?—Yes.

130. In what way?—By means of the influx of other races into our country without any legislative restriction.

131. Then your primary object as soon as you get separation from India is to restrict the influx of non-Burman races into Burma?—Not exactly that. Although we may keep friendly relations with India, there would be certain laws which would be promulgated from time to time with a view to safeguarding the interest and the development of our country. At the present moment on account of the inrush of non-Burmans into our country, the Burmans have been practically kept out in their homeland from various branches of the walks of life.

132. Then the sole object of your League is to keep the non-Burmans out?—No, not to keep the non-Burmans out.

133. To restrict the non-Burmans?—To restrict them to a certain extent, my main reason being this, that Burma could advance much more rapidly because of the non-existence of communalism in this country. So far as Burma is concerned we have no communalism here.

134. I quite recognise that, and I do not think that we need go into all that now. I know that you have no caste, no communalism, that you have one religion and all that, but I only wish to know your reasons. Your first objective would be to restrict the immigration of non-Burmans?—No; we want to place ourselves as a unit within the British Empire, and then to develop our country according to our own genius.

135. Yes, that of course is your main object, but how are you going to fulfil that? You say that you are afraid of the Burman race becoming extinct on account of the influx of non-Burmans. What will be your restrictions? Will they be something on the lines laid down in clause 3 of the Draft Constitution of the Burma Free State given in your Memorandum, viz., "Every person without distinction of sex, domiciled in the area of the jurisdiction of the Burma Free State (Myanma Shwe Pyigy) at the time of the coming into operation of this constitution, who was born in Burma or who has been ordinarily resident in the area of the jurisdiction of the Burma Free State (Myanma Shwe Pyigy) for not less than twenty-five years, and claims Burmese citizenship, is a citizen of the Burma Free State?"—You start your Free State with citizens of that kind?—Yes.

136. And all others will be excluded from your citizenship?—Certainly.

137. Then all the other clauses that you have got in that hook you would put into force as soon as you got the separation from India, or try to put them into force?—Yes, we will try to put them into force.

138. In other words, the aim and objective of the Burma for Burmans League is in this constitution?—Yes.

139. And either in one instalment, or in several instalments, you would like to give effect to that constitution which you have framed for the League?—Immediately.

140. One more question and I have done. Will you recognise the commercial or industrial or the economic interest of non-Burmans in this country?—Yes, it is quite safe.

141. To what extent?—To a reasonable extent.

142. But who will determine the reasonableness of it, the Burmans?—As a matter of fact, we are the persons who are to determine.

143. As regards your eastern defence, it was pointed out in your newspaper, *New Burma*, which was read out to us yesterday by Lord Burnham, that you want your own army, navy and air force. Is that also your objective?—Yes.

144. You want to have your own army, your own navy, and your own air force, and you want to be a self-contained State?—Yes.

145. What relations do you propose to establish with your adjacent country, India?—The very same friendly relations all the time.

146. But always at a distance?—No, not at a distance. We will have the utmost friendly relations with her with the greatest pleasure just as other self-governing Dominions have among themselves. The only thing that we want to protect is our own self, because we have now come of age as an institution, and so far as Burma is concerned what we want is not to throw off the yoke of Great Britain entirely, but we want to be independent, and at the same time within the British Empire.

147. Of course India wants to do the same. Everybody wants to be independent and also within the British Empire?—Yes.

148. As regards your eastern frontier, you recognise that it is a vulnerable point?—Yes.

149. And that it may be a point of attack?—Yes.

150. And that with the development of the air force it is not so remote a point of contact now as it was a decade or two ago?—Yes.

151. Will you give India any voice in the defence of the north-eastern frontier?—That is purely an Imperial concern. And, furthermore, the north-eastern frontier is a sort of natural barrier to us, and there cannot possibly be any invasion except by the Chinese.

152. You would like to join the Pan-Buddhists Federation in which you have got Siam, Japan and the Pan-Buddhists Federation of Asia. Would you not like to join them and be immune from any attack from China?—So far as we are concerned, our position is we want to be independent of India.

153. That is true, but in order to defend yourself against any attack from China, would you not like to join the Pan-Buddhists Federation of Asia?—No, we are not afraid of Chinese attacks at all. If China makes an attempt to attack us, the whole of China would be attacked by the British Empire within six months' time.

154. Supposing China attacks India and not you, would you give India any voice in the shaping of the north-eastern frontier policy?—Yes, undoubtedly.

155. You might be free from India, but would you like to place yourself under the Viceroy of India?—No, we do not.

156. As a representative of the King?—Not in the least. We want to have our own Viceroy directly dealing with Burma.

157. *Mr. Rafi*: U Mya U, you say on page 388 that out of 3,000,000 foreigners, 2,500,000 are Indians. Where did you obtain this figure from?—I got it collected from the census and from other statistics.

158. To which year's census are you referring?—The last census.

159. I understand from the 1921 census that the Indian population is 887,077, and that is why I am asking you this question?—I should rather think that there are many who have been left out.

160. So that is your reason. Do you know that the increase in the Indian population in the period between 1911 and 1921 has been about half a lakh?—It may or may not be; I cannot definitely say unless I make a reference to the statistics and other sources of information regarding the Indian population.

161. You know the increase of Indians within the last 20 years has been 1·1 of the total population?—It may be more than that.

162. Have you any reasons to think that it is more?—Because some of them have been left out.

163. I see. Do you think that Indian labour in this country displaces Burmese labour?—Yes, it displaces entirely.

164. To what extent can you say?—To a very great extent.

165. That is to say Burmans are being turned out of their jobs as labourers?—Yes.

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166. In what field?—Not only in the field of industry, but also in the field of agriculture.

167. Have you any figures to prove that?—Oh, yes; by referring you to the statistics.

168. One of the Government witnesses said the other day that Indian labour merely supplemented Burmese labour and did not displace it. Do you agree with that view?—I do not agree. The Government witness must have based his opinion on the statistics sent to Government by their officers. But as far as I am concerned I am speaking with personal knowledge of both Lower Burma and Upper Burma; I have seen it with my own eyes.

169. You have seen with your own eyes Burmese working and also Indians working in agricultural fields?—No, not together; I have never seen any Burman and Indian working together in any field except Rangoon, because Burmese find that their places have been taken away by Indian labourers who are paid very low.

170. Do you know how much an Indian labourer is paid for working in the paddy fields?—I think the Indian labourer works for about Rs12 to Rs15 a month.

*Mr. Rafi*: I would like to come across an Indian labourer who charges only Rs12 a month.

171. *Sir Hari Singh Gour*: How much does a Burman labourer cost per month?—Speaking for the whole of Burma, I think he will work for Rs30 a month and two meals. It should be admitted that the standard of living of the Burman labourer is higher than that of the Indian labourer.

172. *Mr. Rafi*: I take it that you have Burman clerks in your office?—Yes.

173. What do you pay them?—Rs80 a month.

174. How many have you (I am sorry I am rather inquisitive)?—There is one head-clerk.

175. There are Burman clerks working in different offices on Rs80 a month?—That depends on the circumstances. I do not think any graduate of the Burma University will work on less than Rs80 a month whereas an Indian graduate will work on Rs30 or Rs40 a month.

176. We are not talking of the Indian graduate. I just wanted to know whether or not Burman non-graduates work on Rs30 a month in offices?—As I said, that depends on the circumstances. But I should think the number is not very large.

177. You say that the Chettiyars charge interest at rates varying from 15 to 60 per cent. What is your authority for making this statement?—My own personal knowledge.

178. They charge 60 per cent. in exceptional cases or is it the rule?—So far as 60 per cent. is concerned it is in exceptional cases.

179. Can you explain why Burmans have not taken to this profitable business of lending out money at 15 to 60 per cent.?—Because the Burmans have consideration for their own people. If the money-lender happens to take away 60 per cent., practically in the near future the borrower would become bankrupt or insolvent. The Burman moneylenders would not do that in their own country.

180. How is it that the borrowers do not go to the considerate Burman to take money at cheap rates of interest, but prefer to go to the Chettiyars who charge 15 to 60 per cent.?—For the sake of convenience they have to go there.

181. *Lord Burnham*: I think the simple reason is that Burmans have not got money to lend?—That is also one of the reasons. A high standard of living means spending more money.

182. *Mr. Rafi*: Do you know that the Chettiyars are responsible for the conversion of waste lands of the delta into agricultural lands?—They are not responsible. On the contrary I may say that all the lands now have gone to the hands of the Chettiyars. They are not, properly speaking, money-lenders; they are landlords in Burma.

183. We will come to that next. Please answer my question as to whether they were instrumental in

opening up the delta?—So far as the delta is concerned I do not know.

184. I see you rely on the Singapore naval base for assistance in case of an emergency. Do you anticipate a naval attack?—No, these are hypotheses. There are certain people who say that Burmans cannot defend their own country, but if you happen to look to our history you will see that Burmans are of a martial race.

185. What is the idea of relying on the Singapore naval base?—Only for assistance in case of an emergency.

186. *Sir Hari Singh Gour*: You do not want to have your own submarines?—India does not possess any.

187. But you will be poorer without submarines?—No. That is why we want to be part and parcel of the British Empire.

188. *Mr. Rafi*: Do you know that the army in India is being gradually officered by Indians?—Yes.

189. And would you not like the Burman army officered by Burmans?—Quite so.

190. How is it that even after 20 years you expect your army to be officered by Europeans?—Because we want to have training by British officers and not by Indian officers.

191. Why not by your own Burmese officers?—Because we have not been given any opportunity so far.

192. Would you have separation without knowing what form of government you are going to get after separation?—Undoubtedly. We have also some brains, and we can know what would be the consequences of the separation.

193. Do you expect that you will get Dominion status after separation?—Undoubtedly. I think we can obtain Dominion status by remaining alone and not by being attached to India proper.

194. Your impression is that when once you get separation the inevitable result would be Dominion status?—Yes.

195. I think you have already said that your idea is not to exclude Indians from this country?—No.

196. Do you propose to take away the right of citizenship from those Indians and other foreigners who are here?—If they happen to comply with our conditions like, say America, we do not exclude them from obtaining the citizenship of this country.

197. *Lord Burnham*: Everybody who goes to America acquires citizenship in two years. It is only a question now of restriction upon the quota, the number of immigrants from different countries. But all those who do go in to acquire citizenship in two years. —I do not think that two years is quite enough. The Burmese will have no chance at all if we make it such a short period, because it has become a sort of cosmopolitan province here.

198. *Mr. Rafi*: Is your object in asking for separation to exclude Indians?—Not in the least.

199. Or rather the foreign races?—No, not in the least.

200. I cannot quite understand the position you have taken up. Everybody will be allowed to come in?—Yes.

201. And become citizens?—If they comply with our conditions.

202. How long would they have to remain?

*Sir Hari Singh Gour*: He said 25 years.

203. *Mr. Rafi*: It will be more useful in the next world than in this then! Is the intention to interfere with the rights of the people who have already vested interests in this country?—No.

204. *U Ba Shin*: There are instances, as you know, of Burmese women marrying Indians. Which nationality do their children follow, the mother's nationality or the father's?—The father's nationality.

205. In the case of a Chinaman?—The father's nationality. Practically all. This is a very important question, sir, regarding the marriage of our Burmese women. This is the only country where the males of other nations of the world are allowed



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to get married according to the customs of the males who marry, and not according to the customs of our own people, in order to be a valid marriage.

206. *Raja Nawab Ali Khan* : On page 387 of your Memorandum (Memorandum of the Burma for Burmans League) I find : "The first and most important resolution, viz., That Burma shall be entirely and immediately separated from India and "granted Dominion Home Rule." I want to know how, in the face of this resolution, you say that Burma should be separated whether you get Dominion Home Rule or not. What is your object in saying that?—My object is that if we get separation we shall be able to work.

207. *The Chairman* : Now I want a short time with the other party representing the Separation League. We all appreciate the presence of U Hla Tun Pru, who is a member of the Legislative Assembly, as well as U Ba Thein, the Secretary. Now, would you like to address us on any particular point?—(*U Hla Tun Pru*) This League was formed on the 3rd of September, 1928, with a view to collect and elicit opinion on the question of separation and also on the form of a draft constitution for Burma. And in order to make the decisions of this body as representative as possible of the different sections of the community and of different Associations in Burma, we invited different public bodies such as the Burma Provincial Congress Committee, U Chit Hlaing's G.C.B.A., the People's Party, the National Parliamentary Organization, the Home Rule Party, the Hundred Committee, the Anglo-Indian and Domiciled European Association, the British Burman Association, U Soe Thein's G.C.B.A., the Mandalay Baho Organization, the Burma for Burmans League, the Constitutional Club, the Karen National Association, and the Wunthanu Central Organization of Mandalay.

208. *The Chairman* : That shows the general authority of the body. We have this document and have had the opportunity of studying it. I dare say you would like to call attention to one or two things in it, would you? On page 408, for example, you say : "The basic ideas on which the draft constitution rests are : (1) separation of Burma from India and (2) Dominion status for Burma," etc. Do I understand that some public meetings have been held to support the principles of the League?—Yes, public meetings have been held in Rangoon and in different parts of Burma in order to express concurrence with the ideas, aims and objects which are set forth by the Separation League.

209. And I gather that this scheme of a constitution, the like of which I think Mr. G. H. Munro is partly responsible for, has the approval of the League?—It has been approved by the League.

210. Are the reasons which have been given already and, of course, we have heard a good deal of these, the principal reasons which you would wish yourself to urge?—I may say that I am in substantial agreement with a good many things which my friend, U Mya U, has urged before you. I think, sir, Burma can easily be a self-contained unit. It is geographically a self-contained unit. On the eastern side we have mountain barriers, and also on the northern and western sides; and on the south we have only the broad seas, so that so far as the military question is concerned, I think we are practically an immune State. We have been immune from foreign invasions for thousands of years. In the days of our own kings, barring one or two Chinese expeditions, it cannot be said that Burma was ever conquered by any foreign nation. As a matter of fact, in the early 17th century, the Burmese, or rather the Arakanese, were masters of the sea in the whole of the Bay of Bengal, and if one refers to the historical records it will be found that the Moghul fleets were not a match for the Arakanese fleets. Also we were able entirely to annihilate the formidable Portuguese fleet in the naval actions of those days. We had been a first-class seafaring people so far as history shows. So far as soldiering is concerned we have proved our

worth in the Great War, and I understand from several military officers that the Burmese made first class soldiers in Mesopotamia. I have asked opinions of people like Colonel Crawford, M.L.A., Mr. J. A. Steward, M.L.A., and several other military officers, and they all testify to the excellent military qualities of a Burmese soldier. Therefore, so far as the making of an army and navy are concerned, history is in our favour, and we shall, no doubt, under the skilled guidance of the British officers be able to raise our army and navy. Then with regard to the north-eastern frontier, I understand the Chinese will never be able to raise more than twenty thousand soldiers at a time, and for them to force that impassable pass will be extraordinarily difficult. As a matter of fact, to defend ourselves there, about six battalions will do. This opinion I gathered from a high military officer (General Kirke) when I was last in Simla. So far as the question of separation from India is concerned, it is high time that we should be allowed to devote our resources to self-development. We have been so far hampered by India. We had to pay a very enormous debt, the so-called war debt, for quite a number of years to the Indian treasury.

211. I am sorry I did not follow your remarks about the war debt. Did you say that Burma paid the war debt to India for a number of years?—I do not see that any war debt should have been paid to India at all if Burma had become part of the Indian Empire. When the Punjab was conquered I do not think the Punjab paid any war debt, and why should Burma be singled out? We have already paid enormous sums for a number of years. There was a reference the other day to this topic, whether Burma should again be saddled with the war debt to India. During all the one century, sir, Indians had the advantage of coming and working here, trading here and getting into the services, professions, and so forth. So we have more than paid up, I think, our war debt in different forms to the Indian people.

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213. *Dr. Surhawady* : Under your new constitution what position do you propose to assign to the Mussulmans?—You mean the Burmese Mussulmans? They will get absolutely the same status as the indigenous tribes.

214. Are you prepared to give them separate representation as the Karens enjoy?—So far as we are concerned we shall oppose communal representation with all our strength. Burma has been extraordinarily broadminded in these matters. In Moulmein, for instance, we have had three non-Burmans as presidents of the municipality. In Bassein again, an Indian was president.

215. I am asking about the Mussulmans?—In Shweygin we had a Mussulman as the president and also at Mergui a Mussulman was the president.

216. Of course, I see Burma Mussulmans here. There are two of them on the Provincial Committee, of which the chairman is a Burma Mussulman, but the causes for their return might be different. I simply wanted to know what is the attitude of your League towards the Mussulman community?—The attitude towards the Mussulman community is the general attitude towards all the people who live in Burma and try to accept citizenship in a fair way. We shall make no racial discrimination. Play the game, and you are Burmans. We only ask you to play the game, and not to play into the hands of a foreign bureaucracy. This communalism, as I find it from my experience in India, is playing the devil with the constitution there, if I may be pardoned the expression.

217. Is that the reason why you want separation, because you do not want to suffer from the virus of communalism?—It is one good reason.

218. *U Ba U* : You have drawn up a constitution. Was it the constitution drawn up first by the sub-committee of your League?—Yes.

219. And on that sub-committee one member was

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the first Education Minister, and another member was the leader of the Opposition in the council, and another was a member of the second Burma deputation to England? They agreed upon a scheme and submitted a report to your general body?—Yes.

220. And up to this date, I believe, you have received about fourteen letters or telegrams from various parts of the country supporting your scheme and demand for separation?—Yes.

221. *Mr. Rafi*: You would be willing to have a safeguard, a provision, inserted in the constitution, whatever constitution it may be that you may get, safeguarding against discriminating legislation? You would be prepared to have a provision safeguarding the interests of minorities?—Once you bring in the question of minorities you bring in the question of communalism. I have said, play the game, and you will be all considered as Burmans.

222. *U Ba U*: U Mya U, you have great personal contact with the people in Upper Burma, is it so?—*(U Mya U)* Yes.

223. During your tours to different parts of Upper Burma, do you observe that many Burmese agricultural labourers are without work?—Yes.

224. Do you think the reason is that they can no more come down to Lower Burma for agricultural labour because Indians are displacing them as agricultural labourers?—It is quite so. It is very difficult for them to compete on the same wages.

225. Do you remember that there was a large labour strike in Yenangyaung oil fields?—Yes.

226. And that three Burmese labour leaders were expelled from the oil field area for the strike?—Yes.

227. And do you remember that the Burmese strikers could not get back their work and more wages because a new batch of Indian labourers had already replaced them?—Yes, that is quite true.

228. *Mr. Campagnac*: One word of personal explanation, sir. Although I was present at the separation meeting and I expressed myself in favour of separation, I did not agree to that constitution.

*The Chairman*: Quite right.

## Memorandum submitted by the Karen Elders of Burma.

### INTRODUCTORY REMARKS.

Historically, in the year 1837, when it was found desirable for a British Commission to explore certain portions of this Province with a view to opening trade, &c., it is recorded that a right royal welcome was extended to the said Commission by the Karens. Dr. D. Richardson who conducted such a Mission wrote that he was "treated throughout in the most civil and friendly manner by the Karens who provided him with food and guide; they also promised every facility and assistance to the traders who might pass to and from Moulmein through their country."(\*)

History in a different form repeated itself in 1921 when although the atmosphere of Burma at that particular period was surcharged with determined cries of boycott and threats of violence, the Whyte Committee received cordial co-operation from the Karens of Burma. In point of fact, the recognized Leader of the Karen Community, Dr. San C. Po, C.B.E., M.D., eminent in loyal service to the British Raj and distinguished for his loyalty to his own race, being solicitous of Burma's highest welfare and prompted solely by that high motive, served as a member on that historic Committee presided over by that brilliant statesman, the Honourable Mr. (since then Sir Frederick) Whyte.

History is repeating itself for the third time next year and we may here and now give the Right Honourable Sir John Simon and the Members of his Commission the fullest assurance that they may with confidence count on Karen co-operation when they visit the hospitable shores of Burma in the discharge of their high Imperial duty.

Burma thrilled with pleasant anticipations born of the announcement made by the Associated Press dated Calcutta, 20th February, that Lord Burnham parenthetically declared that the Simon Commission would also visit Burma in the course of its official tours. Ultimately, however, our hopes were chilled by neglect and doomed to disappointment and it was even feared that after all if public-spirited men in Burma desired to state their case and lay their views before the Indian Statutory Commission in connexion with the working, &c., of the Reforms in Burma, they might have to cross the Bay of Bengal again to do so as on the occasion of the late the Right Honourable E. S. Montagu's visit to India on that momentous Mission in 1917.

In an atmosphere of doubt and uncertainty the wiser course seemed to us to be to "wait and see," holding ourselves in readiness to co-operate with the Simon Commission by giving *viva voce* evidence before it, should our evidence be required. Towards the end of last month some of us received from the Chief Secretary to the Government of Burma, with his compliments, an invitation to submit Memoranda or Written Statements to the Indian Statutory Commission. It was only then we felt sure that any labours undertaken by us with the sole purpose of co-operating with the Indian Statutory Commission would obtain attention and, perhaps, merit some appreciation.

### GENERAL OBSERVATIONS.

1 (a) *The Basis of Franchise*.—The franchise, as we have it in Burma, is consistently broad-based and entirely satisfactory.

(b) *Methods of Election*.—Elections *qua* elections have been properly conducted. However, in the matter of electoral rolls and polling stations there should be a more careful preparation of the former, especially in the districts, and with regard to the latter once they are publicly notified the notification should for obvious reasons be final.

(c) *Methods whereby particular interests, communal, social and economic, may obtain adequate representation on local self-governing, provincial and central represen-*

*tative bodies*.—So far as the Karens of Burma are concerned, the Whyte Committee recommended the reservation of five communal electorates to safeguard the interests of the Karens. But for this provision it is no exaggeration to say that Karens would have utterly failed to obtain representation in the Burma Legislative Council. Similarly, on local self-governing bodies such as Municipalities, Circle Boards, District Councils, &c., unless some such provision is made it is impossible for Karens to obtain representation, much less adequate representation. It is nothing less than deplorable that whereas ample provision is made for the representation of numerous non-indigenous races in Burma on local self-governing bodies, there is no provision made for the Karens who are regarded as an important community to secure representation on these bodies except in only one or two Municipalities. In this respect, therefore, ample provision should be made to enable Karens to educate themselves and gain experience in the art of self-government.

(d) *The Relationship between representatives and constituents*. (e) *The Growth of Parties*. (f) *The Growth of informed Public Opinion*.—One answer may be given to these three heads in the Simon Commission questionnaire. The tone and colour of the answer to these questions will be governed more or less by the mentality or temperament of the person or body of persons giving the answer. The Montagu-Chelmsford Reforms were introduced into India in 1919 and when extended to Burma they came into force here at the beginning of 1923. We are of the decided opinion that on the whole since the working of the Reforms in Burma national consciousness has been awakened as it has never been before and as a means of education the Reforms have surely been a great educating factor. The beginnings, touching the aspects of growth on the lines indicated by these topics, are not big and perfect, but the beginnings are there and with time and opportunity they will improve and develop towards the legitimate goal.

(g) *Nomination of officials and non-officials as additional members of elected bodies*.—This device has on the whole worked satisfactorily.

3. *The local and self-governing bodies and their relationship with the Provincial Government*.—By the terms of the announcement of August 20, 1917, the development of self-governing institutions with a view to the progressive realisation of responsible government was to be "gradual." With reference to the question under discussion we feel very strongly that official control from the local self-governing bodies was removed too early and too much. Some responsible officer of ripe experience at the helm of these affairs, training and directing the people of the country to rise to a just sense of their responsibilities would have resulted in less serious mistakes and ensured efficient management.

### SUGGESTIONS FOR THE FUTURE.

1. *Entire Separation of Burma from India*.—Note (c) of the Appendix to the communique issued by the Secretaries of the Indian Statutory Commission invites suggestions for the future. And we now propose to deal with this aspect of the situation.

Burma should be separated from India for reasons geographical, political and economic. Burma, as a Province, forms no part of India. There are indisputable differences in customs, race, religion, language and interests. There can be no question that Burma will grow and develop on gradual and sound lines once she is separated from India.

† "Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. For instance, the application to Burma of the general principles of throwing open the public service more

(\*) Pol. Con. the 10th July, 1837, No. 66.

† Report on Indian Constitutional Reforms (1919) p. 120.

widely to Indians would only mean the replacement of one alien bureaucracy by another."

In order to facilitate Separation and to make the transaction fair and equitable to both parties we would humbly request the Indian Statutory Commission to recommend to Parliament that Burma be furnished with accounts showing the amount expended by India on Burma and the amount India has been repaid by Burma during all these past years.

There was a time when the highest Court in Burma was subordinated to the High Court of Judicature at Fort William. In course of time it was felt that we could very well stand on our own legs in this direction and we are so standing now.

Likewise in the matter of Education, our High Schools and Colleges were for a long time affiliated to the University of Calcutta. When, in this matter also, Burma desired to have and work out her own plans for her rising sons and daughters numerous objections (which we need not repeat here) were set up against our becoming a detached entity educationally. The wisdom of our entire separation from the Calcutta University is more than amply justified by numerous incontrovertible facts. Thanks to the parental interest, broad vision and consuming zeal of His Excellency Sir Harcourt Butler, G.C.S.I., G.C.I.E., I.C.S., the first Governor of Burma, our University of Rangoon has won our deepest gratitude and claims the unbounded admiration of her sister universities. In this connection, we quote with pardonable pride an extract from *The Anglo-Indian Review* dated Calcutta, March, 1928, which wrote spontaneously as follows:—

"A great disadvantage under which the Anglo-Indian and Domiciled European Community suffers in India is the absence of a Residential University where the students have the advantage of living a corporate life as in the Western Universities. In fact, it is this disadvantage which deters many of our brilliant young men from going to a University. We have, therefore, much pleasure in bringing to the notice of parents and young men the splendid advantages offered by the University College at Rangoon. The new University buildings are rapidly nearing completion and will be ready for occupation from June this year. The University stands on an estate of 485 acres and is actually a miniature town. It will be one of the finest Universities in the East having every accessory of a modern University and being equipped with its own lighting arrangements, water and sewage equipment, roads, parks, playing fields, rowing and swimming clubs, gymnasium, theatre and a club house."

In the days when we asked for a University of our own, when we demanded the right of shaping and forming our educational policy in accordance with the aspirations and needs of our people and our Province, there were not a few who strongly objected to the severance of our long-established connection with the University of Calcutta, giving all sorts and kinds of imaginary draw-backs and hypothetical disadvantages attendant on the demanded severance. Facts speak louder than words and we are content to leave the facts as they are seen to-day.

Now, as we ask the Simon Commission to recommend to the British Parliament *inter alia* the separation of Burma from India we foresee that quite a number of people will raise their voices against our conception of the future welfare of Burma. We anticipate that the loudest cry will come from India herself. This would be quite natural as no one desires to kill the goose that lays the golden eggs. Continuing the metaphor, we may add that Burma has laid golden eggs for the benefit of India, but India has neglected Burma, has not considered our interests in the spirit of fair play and all this despite the fact that she has been exacting from us a very large portion of our revenues.

Over and above the considerations we have already advanced, there is another and more weighty reason and we beg to stress very particularly this particular aspect of our case. In our considered

opinion the separation of Burma from India and that alone will make it possible for the different indigenous races of Burma—the Burmese, Karens, Kachins, Chins and Shans—to be usefully welded into one solid Nation. Unless opportunities are open to the indigenous races of Burma to regard Burma nationally—and Burma as a separate entity under the British Crown is the only way!—Burma can never progress nationally. As long as Burma is kept dangling on India's *dhoti* so long will there be no cohesion among the indigenous races of Burma.

We are firm in the belief that just as Burma has wonderfully progressed in the two definite directions we have indicated above—first, in the matter of our Law Courts and then in the line of our educational institutions—since we stood out independent of India, equally wonderfully or still more so shall our fair country progress when as a separate entity, under the fostering care of the British Government, her indigenous races welded into one nation will think not merely in terms of isolated racial pride but in the larger national consciousness of "Burman" citizens and will accordingly work heart and soul towards a common nationhood and a natural ideal.

II. *Communal Representation*.—We have already dealt with this important question on general lines. This subject was discussed fairly fully in 1921 by one of the signatories to this Memorandum. Vide "Memorandum of Evidence submitted to the Whyte Committee . . . by Sydney Loo-Nee, Barrister-at-Law," appended to this Memorandum as Appendix A.

The Whyte Committee after very carefully studying the whole question granted to the Karens of Burma, as we have already acknowledged, five communal electorates to safeguard the interests of the Karens. We respectfully submit to the Simon Commission that the Karen representation in the Burma Legislative Council will be adequate and complete if the Members of the said Commission unanimously recommend the creation of additional Karen Electorates, one each for the City of Rangoon and the following Districts: Insein, Hanthawaddy, Tharrawaddy, Henzada, Tavoy, Toungoo, Pegu, Salween Mergui and Pynpon.

We beg to state that many, many years before the Members of the Indian Statutory Commission were born the Karens were "most civil and friendly" (\*) to the British Government and the British Government in its turn were most solicitous about the welfare of the Karens who were even prior to 1835 "English subjects." (†)

We, therefore, earnestly pray that if the British Government of to-day regards that it still has obligations to the Karens of Burma, statutory provisions may be made to safeguard our interests and increase, even accelerating, our progress and prosperity politically, socially and economically.

III. *Karenization*.—Finally, we submit that provision may be made for the adequate representation of Karens in the various public services.

Rangoon :

The 26th day of June, 1928.

APPENDIX A. MEMORANDUM OF EVIDENCE SUBMITTED TO THE WHYTE COMMITTEE BY SYDNEY LOO-NEE, BARRISTER-AT-LAW, SENIOR VICE-PRESIDENT THE NATIONAL KAREN ASSOCIATION, BURMA.

To

THE HONOURABLE MR. A. F. WHYTE,  
Chairman,

The Burma Committee on the Franchise and Division of Subjects.

Rangoon, the 5th day of November, 1921.

Sir,

This is your first visit to Burma. We hope it will

(\*) Pol. Con. the 10th July, 1837, No. 66.

(†) Rev. Dept. (Gov't of Bengal), O.C. the 22nd Sept., 1835, Nos. 1 & 2.

not be the last. We wish to offer you a very cordial welcome to Burma and her peoples.

In conjunction with some others I have been honoured with an official invitation to give evidence before your Committee now sitting in Rangoon.

#### INTRODUCTION.

Being one of the Karen witnesses invited to give evidence before your Committee, you will perhaps wish me to say something about the activities of the Karens with special reference to the Constitutional changes to be born of the historic announcement in the House of Commons on the 20th August, 1917. Hence, before discussing the matters now engaging the attention of your Committee, I propose, with your permission, to lay before your Committee a resumé of the necessitated action taken by the Karens to safeguard their national existence.

#### RESUMÉ OF KAREN REPRESENTATIONS.

When His Majesty's Secretary of State for India visited India in 1917 the Karens of Burma delegated the Honourable Dr. San Crombie Po, M.D., and your witness to represent and voice the sentiments, wishes and aspirations of the Karens of Burma. We were privileged to wait upon the Secretary of State and the Viceroy on the 6th day of December, 1917.

On that memorable occasion we had the pleasure of the company of two sections of our Burmese fellow-countrymen, the Elder Party, representing the Burmese Community of Burma in general and the Burmese Merchants' Association and Co-operative Societies of Burma in particular and the Younger Party, representing the Y.M.B.A.'s of Burma.

In 1918, the Honourable Dr. San Crombie Po, M.D., Saw Po Min and your witness were privileged to wait upon the present Head of the Burma Government at Maymyo and His Honour the Lieutenant-Governor of Burma was graciously pleased to give us an assurance that Karen interests would be safeguarded.

In 1919 in response to the invitation of the Local Government freely inviting criticisms and suggestions anent its proposals commonly called the "Craddock Scheme," the National Karen Association, Burma, on behalf of the Karens of Burma, duly submitted through the appointed channel its criticisms and suggestions on the framework of the Constitution recommended by the Local Government, for the solution of the problem of Burma's political evolution.

Not desirous of either wasting the time or wearying the attention of your Committee, I do not propose to read out the said document. It suffices to note that you will find it *in extenso* on page 93 of the Joint Select Committee on the Government of India Bill.

To pass on. In this very year, feeling very strongly that the Karens' legitimate aspirations had not been sympathetically appreciated by Sir Reginald Craddock's Government, the National Karen Association, Burma, considered it expedient to despatch a Karen Deputation to England for the purpose of appealing to the wisdom and justice of British Statesmanship. And here again, perhaps, I may, for the sake of brevity, be permitted to refer your Committee to the Joint Select Committee on the Government of India Bill, Volume III, Appendix N., pp. 81 and 82.

As I leave this portion of my evidence I desire, if I may, to place on record here my humble tribute to the Right Honourable the Earl of Selborne, who presided over the deliberations of the Joint Select Committee with natural grace, characteristic courtesy and sympathetic interest, for the noble Earl and his Committee's cordial reception of the deputations from Burma.

I propose now to take up the terms of reference *seriatim*.

#### I.—FRANCHISE.

I believe the opinion is unanimous that the franchise should be broad and the electorates devised in such a manner so that all classes of taxpayers may secure their representatives by election.

While, therefore, on the one hand, the usual qualifications, ex-gr., age, state of mind, etc., are to be insisted upon, on the other hand, in rural areas, those who pay Capitation tax and *Thalhameda*, and, in urban areas, those paying Municipal rates and taxes or assessed to income-tax should have the franchise equally with those who, for valid reasons, are especially exempted from those taxes.

#### II.—DIRECT ELECTION.

Consistently with the avowed object of making or beginning to make Responsible Government an assured fact in India and Burma, election should *ipso facto* be direct.

With reference, however, to the Ministers of the Executive Council they may be elected by the Governor from the elected members of the Legislative Council.

#### III.—(a) TERRITORIAL ELECTORATES.

Burma, for administrative purposes, is divided into 8 Divisions. The Karens are mostly to be found in the Divisions of Pegu, Irrawaddy and Tennasserim as well as Rangoon, Syriam and Insein.

With due respect, I would urge for the creation, present and immediate, with an assurance that an irreducible minimum of representation will be fixed, of special Karen Electorates in the three divisions above-named, each electorate returning two representatives and the Rangoon, Syriam and Insein Electorates returning one representative to represent the Karen interest in the Provincial Legislature.

The answer to the hypothetical query: What about the Karens in the other Divisions? is that the Karen clannishness bids fair to save the whole race.

In support of this view I wish to invite the attention of your Honour's Committee to the Karens' dutiful and loyal address of welcome to Lord Chelmsford on the occasion of His Excellency's official visit to Burma. The address is dated Rangoon, December 1st, 1916, and paragraph 3 thereof reads as follows:—

"3 . . . We rejoicingly appreciate the fact that the present illustrious Head of the Government of Burma (Sir Harcourt Butler), whose ingenious conceptions, not merely in the matter of Local advancement but also in the direction of Imperial interests, have struck the warm imagination of the aspiring peoples of this province, has been graciously pleased to invite a Karen—we allude to the Honourable Dr. San Crombie Po, M.D.,—to the deliberations of the Burma Legislative Council. Never in the annals of our race has such an enviable honour been conferred on one of our race, and this considerateness, not to say recognition of our ancestors' loyal devotion to the British in this country under all circumstances touches, we beg to assure your Excellency, a very tender chord of our heart which still beats high with loyalty to the British Raj."

Here, sir, is a Karen from the Irrawaddy Division whose elevation to the Burma Legislative Council is hailed with acclamation by his fellow Karens all over Burma. Not a breath of jealousy is heard, not half a syllable of aspersion is uttered by his own people. On the contrary, there is the documentary fact I have just cited to your Committee. *Ipsa res loquitur*.

But, my objector pulls me up, Dr. San C. Po was selected to represent the Irrawaddy Division as a whole—not you Karens specially.

My unhesitating answer is:—*A fortiori*, if Dr. San C. Po was a real representative of his own people, our joy would know no bounds—the binding bond between him and his people would be more real, the interests would be identical.

Further, should a benign Government feel persuaded that the Karen interests are not adequately represented in the manner hereinbefore indicated, an additional number may be nominated to fill up the gap.

### III.—(b) MINORITIES AND BACKWARD CLASSES.

(i) *Communal Electorates.*—As your Honour is a stranger within our gates I would like to entertain you, sir, for ten minutes or so with an account of the Karens of Burma.

I frankly confess at the outset that what will follow in a moment is a wholesale quotation. I cheerfully acknowledge my great indebtedness for the following to Mr. C. Morgan Webb, whose knowledge of the Karens is at once profound and unique.

About 10 years ago Mr. C. Morgan Webb wrote as follows:—

"*Tribes of the Sinitic Group.*—The total figures for the tribes of the Karen or Sinitic racial group are for the first time complete in the records of the current census. Hitherto, the exclusion of the Karenni Sub-division of the Southern Shan States from the possibility of racial classification has rendered the figures but a partial presentation of the numbers of the Karen race. The total of 1,102,605 persons can be assumed to be as accurate as the conditions of census enumeration in Burma will allow. The whole, with the exception of the small number of 5,717 members of the Brà tribe who were the subject of an estimate, have been directly enumerated. The increase for the decade is 199,334, but of this amount, 63,628 is due to the inclusion of the records for Karenni sub-division. Without the extra area, the increase would have been 135,700, or approximately 15 per cent., a rate of increase which coincides closely with that for the population of Burma proper.

The Karens, of all the races to be found in the province, have intermingled least of all with the members of other races. It has already been recounted in this chapter how quietly and unobtrusively the progenitors of the Karens migrated from their original home in Western China to their headquarters in the Karenni Sub-division of the Southern Shan States. It has also been related in Chapter VII how the phenomenon of endogamy is to be found among the Karen tribes to a degree not known among any of the remaining races of the province. As a result of this ethnical isolation the Karens stand out as a highly individualised racial group. Linguistically, the Karens belong to the Siamese-Chinese sub-family, but the connection between the Shan and the Karen languages is so remote that the cleavage between the two races must have taken place in pre-migration times. There is nothing in the literature or legends or customs of either race to suggest any ethnical connection between them. A striking contrast exists between the mass of information available concerning the Karens as they exist at the present time and the paucity of anything approaching certainty as to their history. They have left no impression whatever on the history of other races which would serve to check or substantiate their rather nebulous legends as to their origin. In the midst of communities who have readily amalgamated with whatever tribes and races happened to be in their immediate vicinity, the Karens alone have remained isolated and self-contained. The ready reception they have accorded to the teachings of Christianity has tended to strengthen their individuality as a racial group, and to widen the differences existing between them and the remaining indigenous races of the province. While the Taláings, at one time supreme over the whole of the deltaic portion of Burma, are being absorbed by the Burmese, there is no suggestion that any such absorption, or even that any amalgamation between the Burmese and the Karen races is within the range of possibility. So far as past history and present tendencies indicate, the Karens, however much they may suppress

and abolish their internal tribal divisions, will remain a distinct and progressive group."

"CENSUS OF INDIA, 1911: VOLUME IX:

BURMA: PART I.—REPORT: pp. 275-276."

Let this extract serve as an introduction to the topic near and dear to the Karen heart, to wit—Communal Representation.

Communal Representation has incessantly and consistently been the main platform of the Karens right from the beginning.

While it is a source of unabated gratification to the Karens that the Burmese Elders in their Scheme (paragraph 4), formulated some years ago in connexion with the Montagu-Chelmsford Reforms with especial reference to Burma, fully recognised the Karens' claim to communal representation, it is deeply deplorable that Sir Reginald Craddock has signally failed to see in this vital and far-reaching matter eye to eye with the Karens.

Communal representation was inaugurated in India by the Morley-Minto Reforms in 1909, fulfilling Lord Minto's promise made in 1906. In 1919, the Montagu-Chelmsford Reforms honoured the pledge. The Joint Parliamentary Committee accepted it, embodying it in the statutory rules under the Government of India Act. In 1921, the Earl of Reading regards it as a sacred trust.

Sir, I submit to your Committee with all respect that the argument of the Local Government that special representation with separate electorates for the Karens of Burma will stereotype an unnecessary division is idle.

And, with regard to the fear that special representation of the Karens will encourage them to settle down into a feeling of satisfied security, I submit with due deference that, on the contrary, the boon, especially if embodied in the statutory rules under the Government of India Act, will be a great impetus for the Karens to justify their national existence.

I sincerely believe that the grant of communal representation to the Karens will mark an epoch in the evolution of Burma which bids fair to produce healthy results.

Burmese Leaders and Karen Leaders will learn to respect one another and Burmans with their fellow-countrymen, the Karens, will find it easier to work together for the common cause with a large measure of solidarity.

I need not recapitulate paragraph 6 of the Karen Memorial submitted through His Majesty's Secretary of State for India to the Joint Select Committee on the 16th day of August, 1919, in the House of Lords. I only ask that this portion of my evidence be read together with it.

I belong to the non-vociferous section in Burma. Our policy is to strive by constitutional methods to vocalise our rights and privileges, our sentiments and wishes, our needs and aspirations.

Surely, sir, a people that came "forward loyally during the late Great War and . . . furnished more men in proportion to their numbers than" the other indigenous races of Burma "for the Burma Regiments lately raised," must avowedly deserve some concrete recognition.

In concluding another portion of my evidence before your Committee, I submit that the granting of communal representation to our community will be making the assured bond of loyalty, which binds our race to the British Raj, stronger and doubly sure.

### III.—(b)—(ii), (iii) & (iv)—SPECIAL CLASSES IN PLURAL CONSTITUENCIES, NOMINATION AND PROPORTIONAL REPRESENTATION.

Having said so much on the preceding topic, I prefer to pass over these particular phases in silence.

The time which a considered discussion of the above topics would assuredly consume had better be devoted to the Cause of

### EDUCATION.

Humanly speaking, Karens are what they are

## KAREN NATIONAL ASSOCIATION, BURMA.

educationally—I would not dwell on the spiritual aspect of the Karens' progress; because I have no desire to usurp the sphere of our Karen divines. And, further, it were foreign to and wholly outside the scope of the deliberations of your Committee—yes, sir, we are what we are to-day, thanks to the British boon of education which has been tenderly nursed and lovingly nurtured by the selfless effort and consuming zeal of our Christian Missionaries who have come to us from England and America, Italy and France. And, wherever educational facilities have been offered to the Karens, they have been availed of with increasing avidity.

Shortly after my return from England—and that is a matter of months only—I was credibly informed that at the opening of the last school session our Karen High School in Rangoon, established in 1852 by the first Vintons whom, with their famous son the Rev. Dr. J. B. Vinton, the Karens will ever remember with an affection almost adoring, had actually to turn away numbers of would-be pupils, both boys and girls—(Karens have believed and still believe in co-education!) owing to the schoolroom and housing problem.

The facts being what they actually are we would register a prayer here that "in all extensions of educational facilities adequate provision is made for the special needs of the Karens."

#### IV AND V.—NUMBER OF NOMINATED OFFICIAL MEMBERS AND SIZE AND COMPOSITION OF THE COUNCIL.

With reference to the number of nominated official

members and the size and composition of the provincial Legislative Council I have nothing to add to the recommendations of the Local Government, save that, in my opinion, the strength (not considering for a while the composition) of the Council should be increased commensurate with the importance and progressive character of the Province.

#### VI.—WOMEN'S SUFFRAGE.

In view of the triple fact that the women of Burma are comparatively highly literate, are getting educated in greater numbers, and are untrammelled by any system of caste, coupled with the additional fact that they already enjoy the Municipal Franchise, their enfranchisement, at the very dawn of Burma's new era, must warm the imagination of every lover of progress.

The Local Government is, therefore, to be warmly congratulated upon its unequivocal recommendation to confer the vote on the women of Burma.

#### VII.—DIVISION OF FUNCTIONS.

With regard to the transferred subjects the Local Government's proposal of adopting *in toto* Schedule II to the Devolution Rules which is practically the list of the Feetham Committee is seconded with one qualification, if possible.

To obviate acute situations Karen Education should be included among European and Anglo-Indian Education. Having concluded my evidence I wish to thank you, sir, and along with you the members of your Committee for a hearing which is both patient and kind.

### \*Memorandum by the Karen National Association, Burma, to which are affiliated Branches of the Karen National Association from Bassein, Myaungmya, Henzada, Maubin, Tharrawaddy and Prome, Rangoon, Thaton, Toungoo and Papun.

We, the Karens in Burma, hope to be understood that our observations will have reference to Burma in particular. We were invited to submit our views on this very big subject at the last moment. Besides, we were not prepared to offer anything in the big tug-of-war, in which we know our position is absolutely unqualified to allow us making any gestures. We would, therefore, ask the indulgence of the Commission to take only the senses of the terms, employed for the sake of terseness and expressiveness, and not to pay much attention to the forms thereof.

#### 1. THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

(a) *The basis of the Franchise.* We have nothing to grumble about in this connection as far as the present is concerned. However, for the sake of fairness and equity, we would like to see the fair women of Burma have the same privilege, as a large number of them are supporters of their families.

(b) *Methods of Election.* Theories are, as a rule, fine, but the manner of working them out is seldom near to anything satisfactory. Our present method of election is no exception to the rule. Dishonesty, insincerity, lack of the sense of duty and lack of right earnestness are the main causes of failure in the responsible jobs. We would beg leave to invite a reference to the "Proceedings of the Karen National Union, 10th February, 1926," annexed hereto, marked, "Annexure I," submitted to the Local Government about April, 1926, particularly to Resolution 6, on page 11.

We would, however, make the following suggestions in addition:—

- (1) Polling centres should be increased so that there may be one in every circle of three or four or five miles radius. There should be one polling station in an area of six or eight or ten miles square, or one station to every group of between 600 and 1,000 voters, making an allowance of one minute to a voter on the average. Personation, a well-known trick, could be well safeguarded, we believe, as voters within the small area know one another, as a rule, and agents could easily make use of his own voters as detectives.
- (2) In towns and cities personations are made pleasurable tricks and subjects of amusement in the after-talks. Crowding and hurrying facilitate the games, and the remedy we see is (i) extending the polling time, or (ii) taking the constituency quarter by quarter, or if necessary block by block.
- (3) Taking thumb impression would a long way help eliminating the "tricks."

At the close of each polling or each day's polling, boxes should be opened and tokens counted by the presiding officers in the presence of all the agents, and the leading villagers, if they choose to be present. The counting may be checked by the agents if necessary. The result of the counting should be drawn up in as many copies as there are agents plus one, all signed by the agents and the presiding officers, and sealed by the office seal. The boxes might then be sealed and returned to the Deputy Commissioner for checking. Each agent will have one copy, the presiding officer retaining one for himself.

\* NOTE.—The Annexures to the Memorandum have not been printed.

(c) *Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing, provincial and central representatives and constituents.* It is very difficult to make a hard and fast rule for these interests. Directly speaking, we are not in favour of giving commercial bodies and Universities any representatives. The one is a private affair or aggregated private affair for gain and, therefore, on principle has no claim for representatives; or else any private enterprise will claim for one—at least, it has the right to do so. In fact, they are part of the province or, more correctly, part of the people of the province and, therefore, have already been represented in the people, and we see no ground why they should be represented twice. If they are given such a unique privilege, other associations, unions, leagues and trusts that are being born fast, and yet to be born, will, in course of time, claim for the same privilege.

The Universities draw their funds from the Government, and Government draw theirs from the people. Another source of feeding is by donations, free or compulsory, as in the case of the Rangoon University—from the people again. For these reasons, Universities are the concerns of all, and have, therefore, been represented in the people. There is no necessity of their being represented again in the Legislature. But making allowance for the conservative nature in human beings, we would allow not more than two representatives for each of the above bodies. Whether it should have one or two depends on its size and importance; in other words, each case is to be decided according to its own merit.

*Communal Interests.* Communal representation is objectionable in the viewpoint of the Hindus and the Burmese, and this they say on principle; but in that of the Muhammadans and the Karens, it is an absolute necessity, and that on the score of practice.

In matters for local bodies, we strongly urge that Karens should have separate councils and boards where possible. For example, Karen villages are distinct by themselves by natural selection, so to say, hence they have got their schools separate. They have also got their own sub-inspectors and deputy inspectors of schools. We do not see why they should not have their own assistant inspectors and inspectors of schools and their school boards separate. The reason or reasons for urging the separation are as given in resolution 7, on page 13 of the "Proceedings of the Karen National Union, 10th February, 1926," hereto annexed, marked, "Annexure I."

This joining, or combination, is putting a bullock and a tiger under the same yoke, with a matter-of-course ploughman following behind. It is a simple thing for any simple brain to see that the combination profits neither the bullock nor the tiger nor the farmer. In fact, it hurts one, both, and all—and seriously, too. Let man give freedom to each separate aspiration in this matter; yea, let him prepare the way for it, and let Nature work the combination, if there should be any, in her far-seeing eye.

*Social Interests.* Properly speaking, there is no such a class of people as Depressed or Outcast in this "Beautiful Land of Pagodas" to merit special representation. However, we understand that certain classes of Christians are outcasted by their own blood-kins and find no welcome in any quarters. Hence, they are equally an outcast in the parliamentary social functions. With the big spirit of Charity for all, we would suggest one or two representatives for them, provided their number justifies such representation.

*Communal Representation on Local Self-Governing and Provincial Bodies.* We, the Karens, now are given five representatives for five of the sixteen districts in which Karens reside. The Karens in the five districts are, of course, represented; but the position of the Karens in the remaining eleven districts is anonymous. Hence our position as a

whole is anomalous, being neither communal nor non-communal. As a rule, the five representatives identify themselves with their constituencies only, which are the five districts. We, therefore, urge that our case be absolutely communal, and that our representatives may be in number at least in the exact proportion of our population, and that in form they be elected as those by the Anglo-Indian community. That is to say, we should like to have our representatives elected by our whole community, residing in the sixteen districts in Burma. The privilege, if granted, would not only serve as a safeguard to the Karen interests against outside influences, but would also help reviving the Karen spirit and strengthening their associations, unless our rulers secretly wish us *non esse*.

Our position in the local self-governing bodies is most insecure and our interests are thereby affected adversely; for instance, the primary education of the Karens. In this connection we would like to state that in pre-Reform days the Karens, though backward they might have been in the eyes of others, had maintained their primary education in their villages with such organised form as to attain some measure of unique success, to the envy of their neighbours. But, alas! during these Reformed days and this transitory period, about twenty per cent. of their village schools are left to starve to death, receiving no more grants from the so-called Education Department. Such being our plight in local self-governing bodies, we strongly urge that provisions may be made whereby the Karens may have representatives in these local bodies in number, at least, in the exact proportion of their population in the various districts concerned, if our claim for separate Councils and Boards cannot be granted.

*Central Representative Body.* To be short and to the point, we are tired of being tied up to the tail of India for ever, nor do we like to see our land flooded with Indians and Chinese. Burma is Burma, and it has been so from time immemorial; and we have learnt painful lessons in being an apron-string to India. We eagerly look forward to the time when Burma will be separated from India. Really speaking, we see nothing good coming from having representatives in the Central Legislative body, except waste of money and time.

(d) *Relationship between Representatives and Constituents.* In one sense, Burma M.P.'s represent nobody. The general mass, or greater portion of the mass is sleeping unconcerned; a large part of the waking are down in the breeze with no real or definite object in view, or cheap profiteers easily bought and sold like hot cakes. The present working of election has not reached the mass.

We see no public spirit, but all self-spirit in the representatives. Take away the honour and the pay—we sincerely believe the Council House will be desolate. Most of the members know nothing of the people or the place they represent, much less their needs and difficulties. Many wear the cloak of public spirit for self-gain.

(e) *Growth of Parties.* These are growths of mushrooms on thin surface soil and among the thorns, nourished by the manure of self-interest or by that of the old lost love; more by the former judging by the number of detached groups.

(f) *Growth of Informed Public Opinion.* The channels through which public could express its opinions are Presses and Platforms, and these are found fairly in large number of late years, though not so large as it ought to be in order to effectively educate the public. In spite of the smallness of its number and the tenderness of its age, when it is about to increase and take on strength, it is met with a set-back through repressive measures stifling its growth. We are for Freedom of the Press and Freedom of Speech, allowing the public to express its opinions and, at the same time, giving the Government an opportunity to study different shades of opinions which find expressions in Presses and on



Platforms. If Government would like to see itself as the public see it, then it should encourage the public to express its opinions freely and unreservedly.

Opinions may be informed, but they are generally speaking soiled and superficial. They lack the background, or backbone of solid virtues. We attach no importance to these growths as far as real and substantial progress is concerned. The country has long been under the Western tuition, particularly the British, and when the pupils make no improvement in a certain direction or get in bad ways, it is either that the teachers are themselves bad or incompetent, or that they are too thick to know that they are blowing on the glow-worm at night, without ever getting fire for the chilling, freezing home.

(g) *Nomination of Officials and non-Officials as additional members of elected bodies.* This sounds hope-refreshing to the minorities, but, in actual working, it is heart-breaking. For the choice only falls on the sure puppets and never on the doubtful plummets. The reasons are, perhaps:—

(1) True plummets are scarce to find in these days of endless learnings that are never able "to come to the knowledge of Truth," and

(2) Party interest is pre-eminently outweighing in Parliamentary games. There is no wonder in this, perhaps, for the "Education" of all Parliaments the world over is for party cliques, party interests, party victory, and so forth. In our view, the Governor should be the true Umpire unshackled with party cords. If Governors have been rich with true sincerity, true sympathy, true greatness of heart, true integrity, true justice, as the world-wide teaching of their gospels is, in other words, if they are rich with all the good qualities of "Big Souls," things would not have been as they are now, placed in such favourable position as they have been. But Governors are human as anybody else, and human beings must reap the harvest of their ways and of their sowings, good or bad, everywhere, and at all times.

## 2. THE SUITABILITY OF EXISTING AREAS FOR LEGISLATIVE AND ADMINISTRATIVE PURPOSES, AND FOR THE GROWTH OF REPRESENTATIVE INSTITUTIONS.

We attach no importance to "areas" that have no faults of their own. The faults are in the heart of the areas-makers, be they rulers or agitators. If the heart is right, many of the sores in defective areas would be cured without any external efforts; and these external efforts are often thin cloaks or means of evasion veiling the inward defects. Mere splitting and shuffling in the conflicting myriads of interests, real or feigned, will not make a permanent cure, if they make any at all. The disease is deep rooted, and these are but ointments rubbed on the surface. The disease is in the root. Why then make great fusses over the withering branches and the falling leaves at such expense in money, brain and energy? Are we only bees hovering around and about the branches and leaves making deep ominous hummings, only expecting to see flowers to suck? Are there no real farmers that would dig deep into the roots?

## 3. THE LOCAL SELF-GOVERNING BODIES.

(a) and (b). *Constitution and functions are, properly speaking, one and the same.* One directs, and the other performs. There may be little faults in these, and therefore they are not much to blame, as a rule. Rules and regulations can always be altered or modified to suit circumstance, all other things being well. Laws are fine or even holy sometimes, but it is the custodians or the handlers of laws that are rotten. This, we believe, is the main grievance of India and Burma, as it is the grievance of the world itself.

(c) *Relationship with Officials of Provincial Government.* We would suggest that local bodies have

direct dealings with the Ministers or the Governor. Firstly, the Deputy Commissioner has his hands full, if he cares to do his work properly, and should not be given extra burdens. A man is in his fine form within a certain degree. If he is pushed above this, he becomes fiery or dizzy or crazy. The result is pretty serious, for not only the work suffers, but also the atmosphere. As for the Commissioner, there has been strong agitation to evict him, and we support it as we consider the office to be unnecessary growth of flesh on the body. Secondly, we have known enough of appeals which never profit or edify. One thing it can do, of course, that is to delay and stale matters or rot the meat.

(d) and (e). *Control by Provincial Government and Finance.* Control should be firmer and closer particularly in matters where money is concerned. As things are now, most Chairmen and Secretaries are sharp daring thieves, as all having eyes see or should see. There is nothing extraordinary in this. For they have been watching their elder brothers in the old offices skimming the cream with their mouths vigorously watering. *Vide* pages 18, 19 of Annexure I. We do not propose to go into details in these questions. Let us first purify the main spring, before we talk about the pipes, tubes, taps, and so on. But if those responsible for the purifying would confess their inability to do so, as could be interpreted from their attitude and behaviour, let them honestly say so and "resign."

## 4. THE PROVINCIAL GOVERNMENT.

(a) The same remarks in 3 (a) above equally apply here. And if we were required to express our opinion explicitly, we would rather urge for "Full Responsible Government" or "Dominion Home Rule." Home Rule in India and Burma might be bloody rule, but blood often purifies rules; it at least simplifies them.

(b) *Working of Dyarchy.* We beg to invite a reference to Resolution 18 on page 10 of Annexure I, on this subject. In the old form of Government, which we would call Constitutional Despotism, we fared no better. *Vide* Annexure I, Annexure II and Annexure III.

(c), (d) and (e). *Governor, Ministers and Executive Council.* If Burma is separated from India and full Responsible Government or Dominion Home Rule is granted, the position and powers of the Governor will automatically change. However, during this transitory period, we would like the Governor to have vetoing powers, and not merely advisory. The Government of Burma would then form itself into a Cabinet with a Prime Minister taking the responsibilities. In this connection we would urge that the pays of these Cabinet Ministers be reduced as far as possible, say about Rs.1,000/-p.m., so as to mark out true patriotic sons, who are willing to sacrifice their petty interest for the welfare of their Mother Country.

(f) *Growth of Party System.* This, an unfortunate term, to us is a Western disease imported into the East. The West seldom allows diseases to go unchecked. But this it not only cherishes, but also nourishes. Party system kills the individuality as well as the originality, hence the vitality too. It then makes a man a blind follower and a false form. There is nothing good in or about it in our view. It may be said that no one is tied down to any party, but in many senses he is, and only open mercenaries are not.

Yes, it may be good food for the West, but surely it is not good for India and Burma. Unsteady, loose, cheap as the people are, it will make them more so. It again encourages hypocrisy and dishonesty. What would it look like, if our Houses are full with loose sand or with hypocrites?

But Government have been tutor in this, and the system has been formed. At present we see not one but three prominent systems, viz.: Racial System,

Money System and Power System. There is no knowing as to how things would shape as we go along. In all probability, it will end in the elimination of the first and in the assimilation of the second to the third, and the Government would automatically become Aristocratic or Autocratic.

(g) *Working of Particular Departments.* As we have said, it does not trouble us much how each department works, so long as they and their children are honest. But if they are not honest, though they be placed on paths of gold, they will fall into chaos.

(h) *Classification into Reserved and Transferred Subjects.* The remarks in (g) above similarly apply here.

(i) *Desirability of Second Chambers.* The British Second Chamber is the greatest of farces, and perhaps the biggest folly of conservatism. There are nations which are run by one Chamber. Why then give ourselves the trouble and expenses of having two, with fruitless delays as the result?

(j) *Provincial Autonomy.* We beg to invite reference to remarks in 1 (c) under Central Representative Body, and 4 (a) under the Provincial Government.

(k) and (h). *Finances and Financial Control.* The remarks in 4 (c), (d), (e), (g), (h) and (j) cover these two also.

#### 5. THE CENTRAL GOVERNMENT, AND

#### 6. RELATIONS BETWEEN CENTRAL GOVERNMENT AND THE PROVINCIAL GOVERNMENT.

The questions in these do not arise if our views in 1 (c) and 4 (a) above are sustained.

#### 7. THE COURTS AND THE JUDICIARY.

We would invite a reference to Resolution 10 on page 16 of Annexure I. We would also add here that a few months ago, the People's Party, in the Burma Council, moved that officers be made to swear on oath and drink the dreaded "Nyaungye" annually (the water of the flowers offered to the house gods), but the Government Party pool-pooled the motion and knocked it out. We absolutely fail to understand this attitude of the Government Party, and could only draw the inference in the saying of the Burmese, "They are beans of the same baskets" or "Birds of the same feather." Surely, the father fox will not kill its foxling or wish to see them killed. So much about this at present. Further amplification will follow later at about the conclusion.

#### 8. THE CONSTITUTIONAL PROBLEM IN RELATION TO SUCH VITAL MATTERS.

(a) and (b). *Law and Order and Justice in British India.*

Suffice it to say that Law and Order are farces, and Justice is mockery in India and Burma. Reference may be made here again to Annexure III and IV for better understanding. The observations in Annexure III do not profess to be exhaustive. They are only one-tenth of the floating iceberg above the surface. Forests, the Land Records, and the Police Departments are still worse. In fact and in short, Departments and Sub-Departments, with all their roots, branches and trunks, are rotten. Some one might ask for "the bright side." But the bright side is on the top, where offices and powers enjoy the glorious light of the biased Sun. We are in the bottom and with the bottom, and therefore cannot but see things in the darkness of the bottom, and if the bright side is still called for, let the glorious top give it.

(c) *Defence of India.* Though we Karens are regarded as a fighting race, on the whole we stand for Peace, International Peace and Universal Peace. In our opinion, the implements of War will do more harm than good both to the Aggressors and the Aggressed. Besides nowadays, defences and offences are in the air, and we are still footers that cannot fly. Let the fliers then discuss the question in which they qualify and not us.

(d) *Social Progress.* There is very little of it in Burma, and that little is more apparent than real. What progress can we expect of a people so light, so loose and so cheap like night-bazaar commodities? By chances they form and by chances they disintegrate. There are again powerful destructive forces known in the common name of self-interests in which money and power play prominent.

(e) *Federation in India.* There will be enforced Federation as long as the British cannon booms and thunders. When the boomings subside, there will be bloody disintegration, we are sure, unless some unseen Agent works changes in the hearts of the people.

(f) *The Status and Position of India, and*

#### 9. THE RELATIONSHIP BETWEEN THE CENTRAL GOVERNMENT, &c.

We presume that the remarks in (c), (d) and (e) in 4 above equally apply here. We would however pray that the best of spirits may enter the heart of the British, and with a large heart give to India whatever Status, Position, or Power, India may now aspire after.

#### 10. THE POSITION OF THE SERVICES.

We do not believe in the names of Services appearing under this head. If all men are as broad as their words, there will be no necessity of classifying Services. It does not matter whether the Services are All-India, or All-England. But if the words are all lip and hypocritical or untrue, nothing will please the Hindus other than the All-Hindu Services. It is the same with the Mussulmans, the Burmese, and the Karens. We have no belief in I.C.S., or B.C.S., or P.C.S., or any other Services. We would at present propose to invite a reference to the statements made on page 2 of Annexure IV. Fuller discussion will be given in the Draft Scheme herein following, or in the concluding portion of this Memorandum.

Provincial Services and recruitment and of Public Services Commissions. We do not believe in examinations which make our light grains abhorably conceited, when they are successful. We want elderly men to be in offices and by election, removable at any time by "votes of censure." Public Services Commissions, and the kindred Commissions Boards and all are only fine expensive farces.

(e) *Indianization.* We see that Indianization must sooner or later come as a natural result. Likewise Burmanization will, but Burmanization without British specklings will make the Karen position intolerable, because although the British Officers may be Burmanised, as in fact they are, there may yet be a very small fraction who may retain some amount of fervour in them for the Karens. But if, on principle, Britainization should go, we would that the Karens' interests be safeguarded by a speckling of Karenization right through, by earmarking if necessary.

#### EDUCATION.

#### 11. GROWTH OF EDUCATION.

"Education" in its present scope and form is making big leaps into laudable fields of self-aggrandisement at the expense of the great mass and of morality. From another point of view, it is more and more expensive and killing. There is no wonder in this, for what else could mere intellectual advancement lead to without a corresponding advancement in character, or in other words, in morality. Corruption in various forms, forms the aggregate of immorality, the degree of which may be gauged from the four Annexures read together.

True Education must be cheap and within the reach of all, but in fact is not so; and it is the untrue Education of the present day that has clogged the True. The question is truly big and wide, but we will try to make it as short and concise as possible, circumstanced as we are now.

1. True Education, properly pursued, merges into

religious, moral and spiritual Education, but false Education, in spite of all its glories which are but superficial and transient, is bound to lead into chaos.

2. True Education is not confined in the great Metropolis, nor in the bricks and walls as many believed, but in the fields and skies, in streams and files, in hills and valleys, and so forth, where everything is pure and refreshing to both the body and soul.

3. It is not in distant dignified lectures, but in simple, close and heart-to-heart talks. It is not in the imprisonment for several hours in a day within the walls of the school prison, but in the open field, farm, garden and so on. If there must be confinement in that prison, let it not be more than three hours in a day.

4. Breathing, physical exercise, out-door games and sport, manual works, drinking of good water are the best of medicine for the body, and therefore, form the most important part of Education.

5. In the imparting of Education, spiritual or moral Education (which some say are two distinct things, but we say are one and the same) must predominate, the intellectual and other may follow, for the spirit is the basis of all matters. If the spirit dies, the frame wrecks or perishes; but if the frame dies, the spirit blazes. Herein we see the world has long been guilty of a serious, yea, fatal blunder in dividing the soul and body, and in assigning two separate guardians for them.

#### FURTHER SUGGESTIONS IN DETAILS.

(a) We would strongly emphasise on practical Education, not the soaring theoretical one that detaches the brain and soul from the living foundation of morality, and enslave them within the narrow sphere of that low animal, self. Let the pupils be taught carpentry, smithery, dairy farming, agriculture and so on, and for girls cooking, weaving, spinning sewing and so on. In short, vocational training be given to the pupils according to their inclinations.

(b) Let Education be within the reach of all by making and teaching the pupils earn, pay their ways and save each year, so that at the end of their educational period they may be able to exhibit a substantial purse in the annual School Exhibition.

(c) Let moral Education predominate right through, and see that it not merely gives loose forms, but that it is instilled into the very nature of the pupils.

(d) Let not the pupils be confined within the walls for literary education more than three hours in a day, and let the other hours be for the practical noble studies enumerated in (a) above.

(e) Let there never be over-stinginess or stinginess about holidays and free days. Holidays keep the spirit of the children bright and buoyant, and it is far easier for instructors to push forward buoyant spirits than the sinking ones. Let the school days put together be not more than seven or eight months in a year divided into three or four terms.

(f) Let not a child go to school until he is about 10, and let not the Education period be more than 10 years. Of this period the Primary and Secondary Education will occupy six or seven years, and the remaining three or four will be for the College Education. Let all the pupils go through the whole training within the period.

(g) There should be only three real examinations, one Middle School Examination, one High School Examination and one College Examination. Mere strictness in forms in these examinations should be done away with. For fitness for a pass, the whole year's general work and worth should be taken into consideration. A pupil should not be kept in a class more than one year ordinarily, but in no case should he be kept there more than two years. Nothing should prevent a fit brain to jump over two or three classes in a year. Special talent in any direction should not be stunted and killed by its weakness in

other directions, but should rather be encouraged in every way possible.

(h) The best teacher should have charge of the lowest class, and be given the highest pay. A teacher must be a teacher, not a mercenary, nor a man limping on one leg, nor a man going one-sided with only one eye in his tremulous head, nor a corrupted rot as we see everywhere to-day; and teachers' pay must be raised, and raised higher than any other kind of pay.

(i) Physical training and sports and games should not be forgotten. Real education is religion, or, to suit more ideas, its counterpart.

#### DRAFT CONSTITUTIONAL SCHEME.

As we have said on pages 10 and 11, in Resolution 10 of Annexure I, Mono-Archy or Dyarchy or Tri-Archy do not matter. It is the custodians of the Archis that do. The Central Power in the custodians is the heart. *Vide* also page 1 of Annexure II.

Human fancies vary, and hardly coincide. Any reasonable Constitution will do, in our view. Only the heart is to be corrected and placed in its right place and everything will slowly return to its normal condition.

This is the sum total of our Draft Scheme, and we feel that no further details are necessary.

#### APPENDIX. NOTE (C).

Many suggestions and observations have been given in the foregoing. A few more may be added here.

(a) "*Hang the Useless Hounds.*" The multiplicity of works are the creation of our officers themselves; and who are responsible when they say they are too busy, that they cannot see you, or talk to you when you want to see them. In spite of all their breathless activities they achieve nothing, for aught we know. Crimes have been increasing by big leaps and bounds, according to the reports; but reports simply know a certain portion of things, never the whole; and so criminals, or the desire within them, it may be presumed. The hounds multiply, running about vigorously and a lot, and the foxes with their mischiefs keep on increasing in a greater proportion, and the cries of the suffering, miserable fowls and the worried farmers are ever so greater. Whatever could this strange affair mean? Does it not mean that the hounds are inefficient or useless? In our Karen way, if a dog fails to catch a surrounded wild cat several times, it is disposed of quick.

(b) "*The foxes are immuned.*" This has been discussed at length, on pages 16 to 27, of Annexure I. There is no earnestness to dig them out of their holes. If you, by chance, happen to catch any one of them, it will turn heaven and earth to whitewash itself by means more foul than fair, and by making sacred offerings to the various shrines of its former devotion and, one thousand to one, it would be absolved and even exalted.

We would, therefore, suggest that the uncorruptible "Scotland Yard Police" be constituted in Burma, as soon as possible, to dig out the "foxes" and the "shrines," roots, branches and all, and for punishment we would suggest a readier and cheaper method of flogging in the "Forum," and by instalments where necessary.

(c) "*Tremendous Bureaucrats.*" One great obstacle in the way of improvement in the present confusion is bureaucracy, with all its inherent sniffs, snaps, snubs and all. Its other great sins are pitch-blindness, conceitedness, pride, haughtiness, domineeringness, put together and crowned with "sinlessness." The greatest sin in the world is, we believe, sinlessness, for therein is hopelessness. Because, first, it is an ultimate stage; second, it

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[Continued.]

has lost all enervating light—in other words, it is blind. It is absolutely useless talking about changes of forms and of this and that, so long this state of hopelessness exists. Is government or good government impossible without bureaucracy, or is it the last salvation in human Government? Let the heart pervade, and the whole hosts of the evil will flee; this is our deep belief.

(d) "Titles and Rewards." We do not believe in these. Men of real worth and virtues keep quiet, and care for little or no reward. Busy and false bodies alone are active for rewards. The results could be imagined when false and selfish forms are installed above quiet virtues.

(e) "Excise Department." This department should be abolished. The pros and cons of the matter may be gauged by referring the Annexure III. Give the hound a fresh leash, and it stops tugging. Human nature is like mischievous boys who are tempted to jump over where there is a bar. Remove the bar and the temptation goes. If the object is really to control, removing the bar is the simplest and the best remedy.

(f) "Capital Punishment." This also should be abolished. The reasons have already been frequently given by reviving leading opinions in many places.

(g) "Judicial and Executive Departments." There have been movements for separating the two. This, if accepted, would result in shiftable responsibility, endless friction, and in ineffectual administration. In fact, the result is manifest. We would rather narrow down the administrative areas to small townships, with an elected Head given full power over all the departments, guided and supported by a "Panchayat Committee" of four or five elected members. The Deputy Commissioner will be a supervisor over an area which may be equal to the present district, there should be no intermediate authority between, as it is now, and no intermediate authority between him and the ministers.

(h) "I.C.S., B.C.S., I.E.S., I.F.S., and other S's." Our examinations are for the privileged class only; sons of rich middle-officers, generally speaking. If public cries against corruption are true, then these officers have been sucking the blood of the people, or otherwise put: "the juice of the life of the backbone." Giving this privilege to this class,

therefore, means favouring and encouraging corruption or the Demons. Again, precious gems and stones lie hidden deep underneath, while gravels and pebbles remain profuse on the top. Seekers of precious stones dig deep for gems and diamonds, but our Administrative stone-seekers have long been well-contented with scraping the surface. Is it, then, surprising that we have been landed on this present stage of universal confusion?

(i) "Public Spirit and Public Services." It is said a woman in China, by a piece of misfortune, honestly married two husbands of apparent equal virtues, each earnest in his claim for her. But when the wife was produced as a "corpse" before them, one sneaked out, and the other begged for the "remains" in order that he might pay the last tribute of love. Therein was true virtue revealed, and his wife was given him alive. Many claim to be of real public spirit and of real virtues just for the fatness of Rs5000/- a month. Reduce this to Rs1000/-—as to reduce lower may be inadvisable—and we may have claimers of real virtues, when things may be expected to improve.

(j) "Independence deserves Independence, One Local Interest—Mutrawpu." Mutrawpu, now roughly the Papun district, was also known as the Land of the Five Chiefs, and it was once absolutely independent, and more independent than the Karenni States in the time of the Burmese Kings and at the times of the Annexation of Burma, and some time after. How it became part of British Burma deserves discussion, if the League of Nations is sincere. As far as we know it so became merely through a smooth friendship prompted by Karen traditions. If, then, Burma deserves Home Rule, does not Independence deserve, all the more, Independence?

Dated, Rangoon, the 1st August, 1928.

Sd/ Saw Pah Dwai, President.  
Sd/ Saw Maung Le, Committee Member.  
Sd/ San Baw, Committee Member.  
Sd/ Ba Kin, Secretary.

Special Committee appointed by the Karen National Association, Burma, for and on behalf of the Karen Community, Burma.

## RANGOON.

5th February, 1929.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE BURMA PROVINCIAL COMMITTEE.

LORD BURNHAM OCCUPIED THE CHAIR IN THE ABSENCE OF SIR JOHN SIMON.

### Deputation from the Karen Elders of Burma.

The deputation consisted of :—

Mr. SYDNEY LOO-NEE.  
SRA SHWE BA (Member of the Provincial Committee).

69. The Chairman (Lord Burnham): We have your Memorandum, and also a Memorandum submitted by the Karen National Association.

70. Am I right in assuming that you are satisfied with the existing franchise both for the Legislative

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THE KAREN ELDERS OF BURMA.

[Continued.]

Council and for the Legislative Assembly?—That is so.

71. You do not wish it to be lowered?—No.

72. What have you to tell us in regard to communal electorates?—Communal representation is absolutely necessary. It is discussed on page 418 of our Memorandum.

73. You are of opinion that it is no exaggeration to say that the Karens would have utterly failed to obtain representation in the Burma Legislative Council except for communal electorates?—Absolutely.

74. And you say that unless some such provision is made, it is impossible for Karens to obtain representation on municipalities, circle boards, or district councils?—That is so.

75. You lament the fact that there is no such provision now made?—Such provisions are made by the Whyte Committee and thereby we have five communal electorates; and but for that provision it is no exaggeration to say that the Karens would not have any representation.

76. Mr. Hartshorn points out to me that you say on page 419: "The Whyte Committee after very carefully studying the whole question granted to the Karens of Burma, as we have already acknowledged, five communal electorates to safeguard the interest of the Karens. We respectfully submit to the Simon Commission that the Karen representation in the Burma Legislative Council will be adequate and complete if the members of the said Commission unanimously recommend the creation of additional Karen electorates, one each for the City of Rangoon and the following districts: Isein, Hanthawaddy, Tharrawaddy, Henzada, Tavoy, Toungoo, Pegu, Salween, Mergui, and Pyapon." That is your opinion?—That is so.

77. Does that mean that you are asking for eleven instead of five?—We are asking for eleven in addition to the existing five.

78. Mr. Hartshorn: That is altogether 16?—Yes.

79. The Chairman: That is what you think would be just?—Yes, and that would be in the spirit of the Reforms, because the idea of the Reforms is to educate us in the art of self-government, and unless opportunities are given us politically, political education will never come.

80. And you say without this provision your community is shut out?—Exactly.

81. In regard to page 418, the nomination of officials and non-officials, will you tell us something to that in your own words?—With regard to this, our submission is that so far the working is satisfactory, because what is exactly required is known to Government officials perhaps better than to us. I have a letter here in which one of our Elders says that our Memorandum has not been asking for enough. If, in addition to the communal electorates, some of us can get into these public bodies by nomination, that would be better still. We do not want to ask for too much, so the language of our Memorandum is couched in as moderate a style as we can possibly make it.

82. You wish to remove official control from governing bodies?—Not remove it, my Lord; just the other way.

Raja Nawab Ali Khan: Which page, please?

83. The Chairman: Page 418. Yes, I see. I also notice that in the official handbook part I, page 10, para. 21,\* it is said that the Karens number altogether 1.2 millions, forming 9 per cent. of the total population. It is also stated: "Of the Karens over one-fifth are outside the area of the Reforms, leaving nearly one million within that area; of this number over 631,000, that is more than five-eighths, are found in the five districts of Amherst, Thaton, Bassein, Myaungmya and Ma-ubin where Karen communal constituencies have been established." In regard to the control

of the local bodies, you want to have more guidance?—Exactly.

84. Could you tell us in what particulars, because we have a good deal of evidence on this subject, not only here but in India also. You could refer us to the Memoranda of the Government, if you have them with you. I think it is page 594 of the Report on Local Self-Government.—I have not got that.

85. Generally speaking, you think that the Government ought to exercise more control over the local bodies?—That is so. The Reforms are new, and we are just learning how to walk, and before we yet know how to walk, if we are made to run there will be some disaster.

86. Sir Hari Singh Gour: You might break your legs.—Might, might not; yes.

87. The Chairman: Then you are in favour of special terms for the adequate representation of your community in the public services?—In the public services and in the public bodies too. If your Lordship will allow me to go back to page 418, we have submitted that "it is nothing less than deplorable that whereas ample provision is made for the representation of numerous non-indigenous races in Burma on local self-governing bodies, there is no provision made for the Karens, who are regarded as an important community, to secure representation on these bodies except in 'only one or two municipalities.' Take, for instance, Rangoon. Ample provision is made for other communities which are not indigenous, and we Karens have been left out, and we have been severely left alone. We as a race are not very vociferous: we do not agitate; and the result is that provision is not made for us to enjoy the benefits and carry the burdens that citizens ought to share equally.

88. I observe that during the decade 1911-21 the Karens increased their population by 11 per cent. as compared with about 8 per cent. increase by the Burmans, so you are not declining?—And we shall be showing better census figures as time goes on.

89. The Chairman: I would inform the Conference that the Karen National Association has now sent its representatives to appear before us, and with your agreement, gentlemen, I think we might ask them to come in. (To the witness) You have no objection to them coming at the same time as yourself?—No, sir.

90. What is your view as to the big question of the separation of Burma from India?—We are decidedly in favour of separation.

91. For the reasons which are generally given?—Yes, and, as we have stated in our Memorandum on page 419 . . .

92. "In our considered opinion the separation of Burma from India and that alone will make it possible for the different indigenous races of Burma—the Burmese, Karens, Kachens, Chins and Shans—to be usefully welded into one solid nation. Unless opportunities are open to the indigenous races of Burma to regard Burma nationally—and Burma as a separate entity under the British Crown is the only way!—Burma can never progress nationally."—That is so.

The Chairman: "As long as Burma is kept 'dangling on India's 'dhoti' so long will there be no cohesion among the indigenous races of Burma." That is quite clear.

93. Major Atlee: Your community is highly developed educationally, is it not?—That is so.

94. You spend a great deal of money yourselves, I think, on education, do you not?—Exactly.

95. Will not that in time gain you a due proportion in the services, without any special provision?—Even as it is now I think it is agreed that Karen education has progressed quite well, but so far as representation in the public services is concerned, we regret to say that we do not obtain our fair share.

(At this point, Saw Pah Dwai, representing the Karen National Association, took his seat at the witness table.)

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96. Supposing you had a Public Service Commission set up here, then you should not be hampered at all, should you, to get in on your merits?—No.

97. Why not?—How can we be hampered if, by our merits, we can prove that we are fit to enjoy the privileges which others enjoy?

98. Quite. I say if you had a Public Service Commission you ought to be able to get your fair share?—Yes.

99. And once you are in a service, there comes the question of promotion and so on, does there not?—Certainly.

100. If you come in with everybody else, would not you be in a better position rather with regard to general promotion, and so on, than if you sought a special position? A special position of getting in on a nomination might even prejudice you, might it not?—That would prejudice not only one particular class, but all classes.

101. I am taking the position of members of your community. Do you think it is really desirable that a Civil Service should be allocated to great races, religions, and so on?—My submission is that the Karens should have a fair share, just as other races have.

102. You do not claim a share in excess of your merits; you only want a fair share?—Yes.

103. If for instance a Public Service Commission is set up and you are to be judged only on your merits, you do not want to claim that because you are a separate community, therefore whatever your merits are, you should have a certain proportion of places?—No, sir.

104. One question with regard to your representation in the council. You have five separate seats. Can you also contest in other constituencies where you have no special seats?—Yes, we can, but the chances of success are nil.

105. Is it a question of minority or that only a small number of your community is on the register?—Both. I might add that Karens are a peculiar race. We are not so rich that we can squander money; neither are we so poor that we have to beg. In these contests you require money.

106. Would you like a regulation made as to the amount that can be spent on election?—That would not help us very much.

107. Why not?—Because we have enough for ourselves, but not very much to spare, and the little surplus that remains over will not be sufficient for such a purpose.

108. If you are well organised you can fight the election on a very small amount of money?—Yes, but the question of minority comes in.

109. Taking the position of your community is there anything to separate you from the Burmans except on the question of race? Economically you are in the same position as Burmans, are you not?—Yes, in the matter of religious outlook there is a very marked difference.

110. Is the relationship between the two races improving?—Yes, it is. Since the introduction of the Reforms we have come to understand each other much better than we did 15 or 20 years ago.

111. Supposing you have got a keen political life in this province and organised parties, the Karens' vote in places like Insein, Hanthawaddy, and so on would be a valuable thing when the strength of the two parties is fairly equal?—We are out-numbered.

112. Take for instance Hanthawaddy, where you have got a population of something like 18,000 people. That provides a fair voting strength, does it not?—Yes.

113. And if you have two candidates who are standing there on different political platforms they have to take care to secure or try to secure the Karens' vote, have they not?—Not necessarily, sir.

114. Supposing you have Burman Liberals and Burman Conservatives as two rival parties and the fighting is centred between them?—Unless there is

a split between our Burman friends the Karens' case is hopeless.

115. Would not the split be conducive to the building up of a healthy life?—Yes, but not at this stage.

116. I think you have a considerable number of your people in those areas where you have no special electorates?—Yes.

117. And I take it that in those areas the contest will be between Burman and Burman?—The contest will be between Burman and Burman.

118. Are you at present running candidates in those constituencies in which you are asking separate electorates?—Yes. At the last election a Karen stood in Insein, while in Henzada and Tharawaddy Karens stood in the election before the last one.

119. Was it a fight between a Burman and a Karen?—Yes.

120. Only two candidates?—In Henzada there were four candidates, of whom three were Burmans. Subsequently two Burmans withdrew and the Karen who contested failed.

\* \* \* \* \*

121. *Mr. Hartshorn*: You want to have sixteen seats for the Karen community. The Chairman called attention to the fact that you are nine per cent. of the population. There are at present one hundred and three seats, I think, in the present Legislative Council. If you get sixteen seats that will be practically sixteen per cent. of the Council. On what ground are you justified in asking for sixteen per cent. of the seats when you are only nine per cent. of the population?—It is recognised that the Karens are the second most important race in Burma, and we, as the second most important race, ought to have a fairly larger representation in order that we may educate ourselves politically.

122. We have got another community here, namely, the Anglo-Burman community. They are less than one per cent. of the population . . . ?—They have at present one seat.

123. Yes, but I think they want four additional seats. If you have to get sixteen and they have to get five that would be twenty-one per cent. of the seats for less than ten per cent. of the population. If you have all this representation some of the other communities must be very heavily under-represented?—I wish to point out that if our Anglo-Burman friends, who are less than one per cent., are asking for five seats the Karens are not making an exorbitant demand when they ask for sixteen seats.

124. That is not my point. How can it be fair to the other communities when you two communities are asking for more than double your proportionate strength? How to make these concessions that you demand and still be fair to the other communities? Are there any special reasons why you, as one of the communities, should have a substantially greater number of seats in the Council than you are entitled to on the basis of your population?—If I may say so, without appearing to be immodest, we Karens are a special race. History shows that so far back as 1837 or even earlier we were regarded as British subjects. Our aim in asking for what we are asking is that there may be mutual help. If you have Karen representatives in the districts which we have named in our Memorandum, you can know what the Karens need for the progress and welfare of their community.

125. Do you not think that the Karen community would be fairly treated if they are given seats in the Council in proportion to their population?—That would not be an equitable basis, because the fact remains that we are the children of the soil. This is our country, and if we have no voice in shaping our destiny what is the use of our being in this country?

126. *Mr. Cadogan*: Major Attlee asked a question with regard to what you call the inadequacy of representation of the Karen community in the Public Services, but I do not think he was satisfied with the reply. I should like to have it elucidated further.

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The Karen community is the only community which has lodged this complaint. I would like to know whether there is any ban on the Karens entering Public Services?—There is no ban, as such, but we think that there is no one to push us on.

127. But how do you measure the inadequacy of representation in the public services? Surely, it is the merit of the individual entrant that counts. If a Karen is qualified for the Public Services the chances are that he will get into the Service; if he is not qualified he is not likely to be admitted into the public Services for communal reasons. Why do you claim adequate representation in the public Services?—My point is that unless you give the man a trial, how are you going to gauge the measure of his ability? If trials are given to educated Karens to prove their worth and then they fail, that would be another question.

128. Surely, that applies to a member of any other community?—Yes, but opportunities for the Karen to show his mettle are rare.

129. Whom do you blame for that?—That is partly due to the innate shyness of the Karen and partly to the overlooking of his claims.

130. Do you think that there is any prejudice whatever against the Karens joining the Public Services?—I am afraid there is a certain amount of prejudice.

131. *The Chairman (Lord Burnham)* : Taking the figures supplied by the Government as true, broadly speaking, the Karens are a nation of cultivators?—So far as this question is concerned it is equally true of other races as well. The large majority are agriculturists. The number of Karens who had taken to the professions and the services fifty years ago was smaller than the number twenty years later, and in twenty years more their number has increased. But so far as agriculture is concerned that is the backbone industry of Burma, and, I think, it will be equally true of other races as well.

132. *Sir Hari Singh Gour* : I wish to ask you a few questions as regards your relations with the Burmese. I have here the proceedings of the Karen National Union. Do you stand for it? There are certain facts upon which you both agree. I want to know how far you two gentlemen are in agreement with one another on the general question of the future of the Karens.

*The Chairman (Lord Burnham)* : I did not ask the question that I put to Mr. Sydney Loo-Nee to Saw Pah Dwai, I am afraid, but if I ask him now to make a statement it would answer your question as to how far he is in agreement with the Karen Elders. Would that meet your view?

*Sir Hari Singh Gour* : Yes.

133. *The Chairman (Lord Burnham)* : How far are you in agreement with the Karen Elders?—(Saw Pah Dwai) I do not suppose there is any difference as far as the main questions are concerned.—There may be difference in details.

134. *Sir Hari Singh Gour* : I thought so. Now, the question I wish to ask is this. In the proceedings of the Karen National Union, it is said : "It must be remembered that the Burmese are in the majority everywhere, and this, coupled with the natural reservedness of the Karens, makes the latter meet with misfortunes at every turn. The misfortunes meant here are concisely 'injustice and oppression.' You and the Burmese are at loggerheads? It appears from this statement that your interests are in conflict with those of the Burmese. Is that so?—Yes.

135. And do you agree with that statement?—(Mr. Sydney Loo-Nee) Two views may be taken, one of which may be extreme. The Karen Elders think that time is a great healer, and we do not go harping on old history. In former times there had been oppression, and nobody will deny that. The Karen Union seem to be still smarting under the old oppression, but we, the Karen Elders say, let bygones be bygones. As I have already stated, with greater

contact and with better education, we bid fair to be very good friends.

136. You are speaking of the future, and I am speaking of the present. I want to know how far the antagonism between the Karens and the Burmans as stated in this resolution exists? According to this resolution the Karens regard the Burmans as their oppressors?—I will give you a two-fold answer. You are asking me about the present, and that the present may be clear you have got to go back to the past. The relationship in the past was very deplorable, but as I have already said relationship is getting better. The Karen Union Party thinks that the relationship is not as good or improving as rapidly as it should do, but we hold that we are becoming better friends and in course of time this friendship will improve.

137. The next question is as regards your aptitude for military life. It is said in the resolution at page 4 (Proceedings of the Karen National Union) : "Recruiting for the army and Karen recruits. It has been asked by recruiters, why Karen young men have not been coming in so quickly, and why there have been so many desertions? The answer is not far to seek. It is quite natural that the birds in the jungle that flit free through the woods do not like to give up their happy abode in exchange for the golden cage laden around with delicious fruits in the dreamy land. How much more unwilling would they be if they knew that the cage was but iron and that occasional starvation formed part of the routine of life in it. Again fancy the life of a bird, once free and happy in the woods, but now tortured by pokes of pricks and by pinches from the claws of the hawks and kites that invariably don the cage. Here is the kerosene oil on the top of the water again." Is that true, that Karens do not like military life?—(Saw Pah Dwai) No, it is far from being true.

138. And they desert as soon as they are enlisted. This is the statement you have made.—There are many desertions.

139. The Karens do not like military life at all?—They do.

140. But you have stated : "fancy the life of a bird, once free and happy in the woods, but now 'tortured,' etc.—They do not like the treatment they are having now. If the treatment is improved they will come in.

141. As regards your social progress I find some disquieting statements made by yourself. This is what you have said on page 425 (Memorandum of the Karen National Association) under the heading, "Social Progress" : "There is very little of it in Burma, and that little is more apparent than real. What progress can we expect of a people so light, so loose and so cheap like night-bazaar commodities? By chances they form and by chances they disintegrate. There are again powerful destructive forces known in the common name of 'self-interests in which money and power play prominent.' That is the statement made by the Karen National Association. You are responsible for it?—Yes.

142. It that a correct statement?—From our point of view.

143. Do you support it?—(Mr. Sydney Loo-Nee) No, not entirely.

144. I find from your Memorandum that you would abolish the High Court and all the Services, the Indian Civil Service, the Provincial Civil Service and everything. You say on page 425 of your Memorandum : "We have no belief in the Indian Civil Service or Burma Civil Service or Provincial Civil Service or any other Services. We would at present propose to invite a reference to the statements made on page 2 of Annexure IV. Fuller discussion will be given in the draft scheme herein following," and so on. "Provincial services and recruitment and of Public Service Commissions. We do not believe in examinations which make our light grains abhorably conceited, when they are successful. We want elderly men to be in office and by

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"election, removable at any time by votes of censure. "Public Service Commissions and the kindred "Commissions, Boards and all are only fine expensive "farces."—That is your view?—(Saw Pah Dwai) Yes.

145. And is it shared very largely by the Karens?—I believe so.

146. The majority of them?—The majority of them.

147. The Elders of the Karens form only a minority?—I think so.

148. You are a larger body. Now on page 425 you say:—"The British Second Chamber is the greatest "of farces, and perhaps the biggest folly of con- "servatism. There are nations which are run by "one Chamber. Why then give ourselves the "trouble and expenses of having two, with fruitless "delays as the result." Now, you are against the Second Chamber altogether?—Yes.

149. You would only have one Chamber?—Yes.

150. You do not believe in a Second Chamber at all?—Not at all.

151. Regarding them as you do as grand farces?—Exactly.

152. And you are in favour of Dominion status both for India as well as for Burma? You say: "The same remarks in 3 (a) above equally apply "here. And if we were required to express our "opinion explicitly we would rather urge for full "responsible government or Dominion Home rule. "Home Rule in India and Burma might be bloody "rule, but blood often purifies rules; it at least "simplifies them." That is your view?—Yes.

153. At the same time while you are in favour of responsible government are you opposed to party system: "Party system kills the individuality as "well as the originality, hence the vitality too. "It then makes a man a blind follower and a false "form. There is nothing good in or about it in our "view. It may be said that no one is tied down to "any party, but in many senses he is, and only open "mercenaries are not." So, you are against all party system?—Exactly.

154. You would abolish the High Court, all Services, the party system and also the Second Chamber?—Yes.

The Chairman (Lord Burnham): Is it worth while going through the whole if it? Of course there is the Karen Elders' view.

155. Sir Hari Singh Gour: But they are only a small minority: I was dealing with the majority. So far as the Elders are concerned, you do not agree with the view of the majority on all these points?—(Mr. Sydney Loo-Nee) No; It is not the view of the majority, either.

156. Now, as regards your separate electorates. You want separate electorates and also nomination to supplement the electorates?—No.

157. You want joint electorates?—No. We want 11 additional elected members.

158. Through separate electorates?—Yes.

159. Not joint electorates and reservation of seats to the Karens?—No.

160. Because you think in a joint electorate you will not get in?—Yes.

161. Sir Zulfiqar Ali Khan: May I know what is the religion of the Karens?—The national religion is spirit worship.

162. Are there any Christians?—Yes, there are many Christians.

163. About how many?—I have not got the figures with me just now.

164. Are there Muhammadans or Hindus?—No.

Mr. Campagna: 693 per thousand of the whole are Christians according to the census.

165. Sir Zulfiqar Ali Khan: What is your total population?—1.2 millions.

166. I should like to know whether in the event of your getting separation from India you would impose the same condition on the settlers from India as the Burmese want to do?—That question, I think, is premature. First of all, let us have separa-

tion and then work out a scheme. Indians need have no fear because there will be British rule, and I am sure you can trust British justice.

The Chairman (Lord Burnham): Sir Zulfiqar, according to the census report of 1921 just now quoted, of the Christians here 178,000, or roughly 70 per cent., were Karens.

167. Sir Zulfiqar Ali Khan: One of the deputations said that for naturalisation in Burma they would like to fix a period of 25 years. Would you please tell me whether you have the same notion about naturalisation?—As I have already stated I think this question is premature and I must ask to be excused from replying.

168. What is your own view?

Sir Hari Singh Gour: I think they have come for separate representation.—We have come here for separation of Burma from India, for communal representation on a larger scale and for the Karenization of the Services.

169. Sir Zulfiqar Ali Khan: What I understood from your statement was this, that you form the second most numerous community in the province?—Exactly.

170. And therefore I think your opinions on things here must carry weight?—That is flattering!

171. That is not flattering. Therefore I would like to know what your view is about naturalisation?—The view now given would be only an idea and for practical purposes it will be neither here nor there.

172. Why not?—Because it may be an erroneous idea. It may be an idea which according to the standards of British justice and fair-play may not be acceptable for Burma. The fact is very prominent that it is absolutely necessary to have British rule and guidance.

173. That is true. Nobody denies that.—And so long as you admit that fact I think it must be clear that there is no need to be in a fever of excitement regarding the welfare of Indians in Burma. We are British subjects just as Indians are and if our education means anything, if our Christianity means anything, surely, sir, you can trust your fellow-Indians to us for fair-play.

174. But you must start life with some definite understanding with those who have settled down here, and also, as you yourself are a minority, I think you will concede to other minorities the same privileges which you demand for yourself?—That is exactly why we want Burma to work out her own national destiny. I do not want to go into past history, but in effect it means that in a certain period of our history we have been unfortunate, and that has a value of its own in that it enables us to feel sympathy for less fortunate people like us.

175. May I know how many representatives you have got in the Council?—Five.

176. They come from your special constituencies?—Yes.

177. Can you stand in a general constituency?—We can, but there is no chance.

178. Dr. Sukhravady: Am I right in saying that you want 15 per cent. of the seats although you are only 9 per cent. of the population, that is, you want representation in excess of your numerical strength on the ground of your historical and political importance? Is that the reason why you want increased representation, because you think that although you are given an increased representation, it will not diminish the majority considerably, that you will still be in a minority, but at the same time you will be a more effective minority than at present?—Exactly; and I may also add that, by having this benefit, our usefulness will increase.

179. U Aung Thin: At page 419 of your memorandum in the third paragraph you have incidentally mentioned about the national progress of Burma. I take it that that is the ideal you want to set up here, incidentally though, I tell you that communalism and communal electorates do interfere with this development. Do you agree with me?—To a certain extent, yes. They are things which would interfere more or



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less because we are not in a state of perfection.

180. Yes, of course. I was following very closely the questions put to you by Major Attlee, and I want to put it to you whether it is not due more to the nervousness on the part of your community that you dare not take part in the general election in a general constituency?—It is a racial fact that the Karens have not got the push of the Burmans.

181. Then how long are you to remain aloof? The more you remain aloof, I think, the more you would lack in that characteristic. Do you not think that the sooner you merge yourself in the general electorate, the more fusion there would be in your general qualities?—The more we merge ourselves the more shall we be submerged.

182. Is that your imagination?—No, it is the natural law.

183. But your ideals are still farther away?—Yes.

184. The sooner we attain the goal, the better it will be for all of us, is that not so?—Yes, and to work that out at this stage of our political development communal representation is absolutely necessary.

185. But are you not setting up strong iron fences round you?—Iron fences to be easily broken down to make room for wooden fences.

186. But then you are making it stronger. You may want to supplant it with gold, but you may find it very hard to break it down?—For the present and for some time to come it is absolutely necessary. When time shows that those fences can be broken down, they will be broken down.

187. Under the present conditions having communal electorates you have to organise your own community leaving other communities outside, and that tendency will grow stronger as time passes. Am I not right?—That is why we Karens beg to differ from the Burmans. That is a point on which we Karens and the Burmese disagree. I will give you a concrete example. During the election to send one representative from Burma to the Assembly a Burman and an Indian fought, and the Burman in his own country failed signally. You cannot fight a bigger community.

188. Taking the attitude that you did, you would concede similar communal rights or communal electorates to a community like the Burma Moslems?—Exactly, sir; charity begins at home; and also to the Kachins, the Chins and the Shans.

189. Why not to the Burma Moslems?—Yes, to the Burma Moslems as well, they are a quasi-indigenous people of this country.

190. And in addition to a community like the Burma Moslems?—Community like the Burma Moslems, community like the Anglo-Burmans and the Anglo-Indians. That would be fair play.

191. I would like just to read out to you one sentence from the Government Memorandum. In paragraph 24 (page 11 of Vol. XI) it is stated:—"the Talaings, at one time supreme over the deltaic portion of Burma, are being absorbed by the Burmese. There is no likelihood that the Karens will undergo similar assimilation." I take it that the Talaings are a more important race historically, they were at one time supreme over a particular portion of Burma, but that the Karens had never had that fortune?—You cannot say dogmatically that the Karens had no fortune.

192. I am only drawing a comparison between the two races, the Talaings and the Karens. At one time the Talaings were supreme in Burma and are now being absorbed by the Burmese, while the Karens had not had that eminence?—And the Karens have not had that absorption.

193. That fusion between the Talaings and the Burmese by closer touch. Is that preferable from your point of view, or not preferable?—If the Burman would give up his nationality and become Indian, would that be preferable or not?

194. I am just putting it to you. Will you please answer whether in your opinion you would like that sort of fusion between the Karens and the Burmese just as it is happening between the Talaings

and the Burmans for the future goal of yours?—If you will excuse me, I do not think that it is fair to attribute this to me. I am not a Talaing; I am a Karen, and so far as we Karens are concerned, we wish to preserve our nationality, and I think that is an absolutely legitimate aspiration.

195. *U Ba U*: Do you both agree as regards your ideal for Dominion Home Rule for Burma?

*Lord Burnham*: We find that from their Memorandum.

196. *U Ba U*: At present there are only about 50 seats in the Council to represent rural areas, and so one member of the Council has to represent over two lakhs of population, and if further advance of Reforms comes, there will be more electorates, the constituencies will become less in area and in that way the Karen members being neither very few nor very many, in Burma, you will be able to return your own candidate in a smaller constituency. Is that not possible?—So far as we are concerned, our grievance is that in our own country there is not a single urban constituency for the Karens, whereas our Indian friends, who are properly speaking aliens here, have six urban constituencies returning eight representatives.

197. I am only asking your views about it. Take for instance Toungoo, which is returning two candidates now. Supposing it has to return four candidates, cannot your community in that case get a seat there?—Unless it is made a Karen constituency, I am afraid there is no chance.

198. The Karens number about one-fourth or one-sixth of the population in the Toungoo district, and so you are likely to return one member successfully since you are large in numbers there?—If our number is larger there, why not give us a seat there?

199. In a similar way you will have seats all over Burma wherever there are a good number of Karens?—I do not think it is right to say "all over Burma," because in Upper Burma you do not find Karens.

200. Of course, what I meant was wherever there are Karens?—Yes, in Lower Burma.

201. And you say you do not have representation on the local bodies. I understand that the Karens live in a number of villages. Does not the Local Self-Government Act of Burma operate in your villages?—It does.

202. If there is a group of Karen villages, do not those villages form a circle board?—If the Burmese villages are taken together, they would, and the Burmese being in the majority in the villages, the Karens have no chance.

203. If you will take only a particular circle of villages, I do not think there will be a majority of Burmans. On the other hand, there will be a majority of Karens, and invariably you will have a chance of working up. You need not be disheartened.—Thank you for your encouragement. I appreciate it.

204. The Karens on the whole number about one million?—1.2 millions, as I have already said.

205. And I understand that the Burmese as a body also number about the same?—I cannot say.

206. They do; they are only about one million and odd, and yet they keep up their own national status, and they are still getting the benefits of Reforms and all that. Cannot you also get that same benefit?—(No answer).

207. Do you gentlemen of your Association represent both the Christians and the Buddhists?—(Saw Pah Duai) Yes.

208. How many Buddhists are there in your Association, or at least can you give us the percentage of the Buddhists?—(Mr. Sydney Loo-Nee) I am afraid I cannot say.

209. There is very little, I think?—We Karens regard one another as brothers.

210. Without regard to the religion?—Yes without regard to the religion.

211. I understand that there are only about 44,000 of Christian Karens, whereas there are over

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9 lakhs of Buddhist Karens?—I can give you facts, but I am not in a position to give you figures.

212. So, I believe you are trying to bring the Buddhists among the Karens into your own fold?—Yes.

213. *Mr. Rafi* : At page 419 of your Memorandum you say in the third paragraph :—"In our considered opinion the separation of Burma from India and that alone will make it possible for the different indigenous races of Burma—the Burmese, Karens, Kachins, Chins, and Shans—to be usefully welded into one solid nation." And you go on to ask for separate electorates, do you not?—At present.

214. I just wanted to ascertain as to whether these two ideas are not inconsistent with each other?—No, they are not inconsistent. Take, for instance, the Indian nation. That is one nation, but you have got there the Bengali, the Tamil, the Telegu, the Gujarathi and so on, and they have separate electorates there.

215. You do contemplate a time when you will have a common electorate?—Yes, but if I may add that time is far distant. At present, in order to have cohesion, we must work by compartments, and then later on have bigger compartments and ultimately have a large common room.

216. You think that the present conditions are such that you ought to have separate electorates although in course of time you would come under the general electorate?—Yes, exactly.

217. You complained that the Indians have a larger number of representatives than you have. Is it not a fact that the Indians have contributed labour and capital to the development of Burma, while you have not?—We have, in our own sphere, *Mr. Rafi*.

218. To an unappreciable extent, I take it?—I do not think so. We till our fields, and then the Indian comes to reap our paddy.

219. *Lord Burnham* : You fertilize the land?—And the cream of it is taken by our Indian friends.

220. *Mr. Rafi* : Who employs the Indian labour?—You, the Karens and the Burmans. Why do you employ them?—Because they come.

221. Why do you tolerate him? (No answer.)

222. *Mr. Campagnac* : In your opinion, has there been a tendency in the matter of government appointments to give preference to Burman Buddhists?—(*Mr. Sydney Loo-Nee*) I have no personal knowledge. (*Saw Pah Dwai*) I do not know what the tendency is; but the result is that the Burmans always get it.

223. No matter what the qualifications of the other candidates are?—Yes.

224. You were an elected member in the first Legislative Council?—Yes.

225. During the life of that Council I believe on more than one occasion the Karens voted with the Nationalist party and against the Government?—Yes, sometimes. Sometimes we voted with the Government also.

226. Although you were elected by separate electorates you did on occasions vote with the people?—Yes.

227. *Mr. Eusoff* : I find in Schedule II of the Burma Electoral Rules a Karen is defined to include a Taungthu. Can you tell us who the Taungthuses are?—(*Mr. Sydney Loo-Nee*) There are so many clans of Karens, Sgaws, Pwos, Bghai, Paku, Monay-bghar and so on.

228. Even amongst the Karens you say there are several castes?—There is no caste system among us. They are simply divided into tribes.

229. There are different tribes?—(*Saw Pah Dwai*) Yes.

230. According to the definition given here, the Taungthu is one of the tribes. I want to know whether you represent this class of people classed Taungthuses?—I represent the Karens.

231. Are there any Taungthuses in your Association? (*Mr. Sydney Loo-Nee*) Not that I know of.

232. Do you know the number of Taungthuses in

Burma?—Regarding the figures I have already said I cannot give exact figures.

233. Do you know anything about these Taungthuses?—Karens and Taungthuses intermarry.

*Lord Burnham* : I find the following definition here. "A Karen includes a Taungthu and means a person belonging to any race which the local Government may by notification in the Gazette declare to be a Karen or Taungthu race for the purpose of these rules."

234. *Mr. Eusoff* : Do you maintain that the Taungthuses are distinct from the Karens?—(*Saw Pah Dwai*) I understand that the Taungthuses are the offshoot of the Karens.

235. Are they of the same race?—If they are the offshoot that means that they belong to the same race.

236. How many members are there on the list of your Association who belong to the Taungthu race?—I should like to answer that question by saying, how many Buddhists are there on the list of the Buddhist Registers. The thing is this. We consider all the Karens as one unit. We do not mention the names of each separate tribe.

237. You have been a member of the Legislative Council on two occasions. You know the distinction that is drawn between these two people, the Karens and the Taungthuses. If they belong to the same race where is the necessity to draw any distinction?—The names of the different tribes only are given.

238. I desire to know how many members of the Taungthu tribe are in your Association?—That I cannot tell you.

239. Perhaps you remember that the Karen member of the last Council was a Taungthu?—Yes.\*

240. He was a chairman of the district Council?—No; he was never a chairman.\*

241. I want to know whether that gentleman is a member of your Association.

You have stated that you have very little chance of being elected if you were to stand for the general constituency. What are your reasons for saying that?—(*Mr. Sydney Loo-Nee*) We are in the minority. We are the second race of Burma.

242. What is the nature of your relationship with the Burmans and other communities in Burma?—are you friendly?—We are friendly with all people.

243. There is no competition whatsoever between the Karens and other communities?—In respect of what?

244. Anything?—When you contest an election there is rivalry.

245. Regarding the question of Services your complaint is that the members of your community are rarely appointed. Is it not a fact that the recruitment is either by competitive examination or by a selection board?—(*Saw Pah Dwai*) Yes, but many do not succeed in getting the appointments.

246. Take the police or the magistracy in Paan. When the Government find that the members of your community are poorly represented in these departments, do they not appoint you in greater numbers?—It is so for the last few years.

247. That policy is pursued on your representation?—On account of my fight.

248. *U Ba Shin* : What percentage do you claim in the Karenization of services, 16 per cent?—(*Mr. Sydney Loo-Nee*) Yes.

249. Your population as mentioned in the Government Memorandum is 1.2 millions. If on that percentage the Burman community were to claim representation for 8 millions would you agree that according to the percentage you claim there would be over 144 representatives on the Council?—I do not wish to commit myself to any figures.

250. According to the percentage you claim it

\* The witness subsequently intimated that the questioner and he had different persons in mind.

## BURMA MOSLEM COMMUNITY.

would be quite fair for the Burman community to claim that representation?—I am making a claim here on behalf of the Karens and not on behalf of the Burmans.

251. I suppose you know that the seat for the Legislative Assembly was contested by a Burman and non-Burman and eventually the Burman was defeated and an Indian was elected.

Lord Burnham: We have already referred to that.

252. *Sra Shwe Ba*: What class of Karens usually live in towns?—Educated Karens.

253. Why do the majority of the Karens generally not live in towns?—I think the times are changed now and the number of Karens coming to the town is increasing.

254. Is it a fact that the Karens do not want to live in towns for fear of being oppressed by the Burmans?—There used to be that fear; but I think that fear is greatly diminishing now.

255. Do you think that the Buddhist Karens and the Burman Buddhists have the same view in regard to religion?—No. The Buddhist Karen is a spirit worshipper and the Burman Buddhist is an idolator.

## Memorandum submitted by the Burma Moslem Community.

We beg to submit this Memorandum on behalf of the Burma Moslem Community, numbering about three lacs. The community consists of those Moslems:—

- (i) born in Burma of Burmese parentage on both sides (popularly known as the Zerbadees),
- (ii) born in Burma of mixed Indian and Burmese parentage (also known as Zerbadees),
- (iii) born and domiciled in Burma of Indian parentage on both sides,
- (iv) those born outside Burma and settled down permanently here.

The Burma Moslem community consisting of the persons described above is not only an influential community, but also one with historical connections with the past. Among the members include those who are in the Services and the professions, merchants, and traders with fairly large vested interests and stake in the country. Their importance as a community was recognised by the Government until a few years ago, when the latter changed their attitude considerably and their interests do not seem to be regarded to-day with the same seriousness and importance which, in virtue of their position, the community are entitled to. With the introduction of the new Reforms, the place of this minority community, whose rights had been hitherto zealously protected by the Government, has been relegated to the background, so much so that even the safety of the community to-day is threatened. The Burma Moslem community desire special protection in the same manner as the other minority communities in Burma. As regards the historical aspect of the community, we beg to state that our connection with the country dates back to the time when Burma was ruled by her own kings. References are not wanting in the early history of Burma to the days when the Moslem community in Burma played their legitimate part in the commercial, social and political economy of the country. The whole countryside bears testimony to this fact inasmuch as there are villages and other areas in the various parts of Burma where exist people professing our religion and claiming descent from Moslem ancestors—immigrant traders, warriors and others who had settled in this, our homeland, centuries ago. These people, in all respects except their religion, can claim to be as much Burmans as the present-day descendants of other indigenous races. In fact, the community may go so far as to claim that their lot under the rule of the Burmese dynasties was, perhaps, happier than their present condition.

With regard to our representative capacity, we have to point out that the Burma Moslem Society of Rangoon, in conjunction with the 'Young Moslems' Union, Mandalay, which are two of the most prominent organisations representing Burmese Moslems of this province, got into touch with representative Moslem elders in different parts of the province with

the result that the Memorandum now submitted may be said to embody the collective views of the Burma Moslem community in the province as a whole. We thus take the liberty of speaking for and on behalf of all the people enumerated in the beginning of this Memorandum, without, however, encroaching on the right of individual organisations or members of the Burma Moslem community to make their own separate representations.

## NEED FOR REPRESENTATION.

The Burma Moslems above described have been, as we have already mentioned, labouring under a set of special disabilities, political, social, educational, and economic. Whereas previous to the introduction of the Government of India Act, 1919, into this province, the community's wants and requirements were attended to with paternal care by the Government; they have been, since the inauguration of the Reforms, treated with scant attention. This growing lack of recognition of the claims of this community may, we venture to think, be traced to the cry, "Burma for the Burmans," which, legitimate as it may seem, has been interpreted to mean, "Burma for the Burman Buddhists." The community, as its name indicates, professing the religion of Islam, has begun to be thrown outside the pale comprised in the term "Burman." The members of this community, who are Burmans in every respect and have a right to be classed as such, have for unknown reasons been classed under the category of "Kalas" or "foreign immigrants." The community feel that they have been made to lose their rights day by day through various indirect and imperceptible processes meant to undermine their importance as a community. They claim that in any future Constitution that may be proposed or accepted for Burma, their claim to be regarded as Burman citizens in every respect shall be recognised and their fullest rights and privileges amply safeguarded. The fact that the community profess Islam should not be made into a cause for classing them under the category of non-Burmans. Owing to their importance, the community claim legitimate political rights and such special protections as are deemed necessary in the case of a helpless minority. We claim adequate representation of our community on a communal basis on all district and circle Boards, village committees, educational Boards, municipalities, public bodies and the Provincial Legislature to the extent of ten per cent. of the seats that may be allotted in each. While we recognise that for nation-building purposes the principle of non-communal representation is a desideratum, we are forced to demand that the representation of our community should be on a communal basis, because we believe that the attitude of our Burmese brethren towards members of our community has not been such as to inspire a feeling of security in them. On the whole, Burman Buddhists have not looked with approval on the political and educational aspirations of our community and have exhibited deplorable

signs of hostility towards them. The Burma Moslem community feel that in the absence of communal representation they will practically go unrepresented in all public and legislative bodies. The working of the system of general electorate in which some members of our community have been included as a result of the recommendation of the Whyte Committee on the Reforms has not been quite happy. Though it is true that in the Provincial Legislature a member or two of our community have been returned by a general electorate, such return, we venture to submit, has been purely accidental and could be explained by the presence at the moment of factors which happened to turn out favourably to the Burma Moslem candidates. We fear that with the growing intensity of political antagonism on the part of the majority of Burman Buddhists, the Burma Moslem candidate, in the future elections for a general constituency, will not stand the least chance of being returned to the Councils.

We have no intention of placing before the Royal Commission any cut-and-dried Constitution. Suffice it to say that whatever Constitution is ultimately adopted for Burma, our rights should be safeguarded in the fullest manner possible.

#### SEPARATION OF BURMA FROM INDIA.

On the question of separation of Burma from India, which seems to be engaging the serious attention of all minority and a section of the majority communities in Burma, as also, we believe, the Burma official circles, we venture to submit that separation of this province from India at the present juncture will not be to the best interests of Burma. We, nevertheless, recognise the force of the argument behind the demand for readjustment of the financial relations between Burma and India and we are prepared to concede that such relationship requires a thorough revision with a view to release the financial obligations of Burma to India in such substantial manner as in the opinion of experts could be done so as to enable Burma to develop her own material resources and nation-building objects. If, however, the majority of the Burmese Buddhist community desire separation, we have not the least intention of standing in the way of such realisation.

#### THE FRANCHISE.

On the question of franchise, we are quite satisfied with the existing type. In our opinion, the present franchise has worked satisfactorily in spite of occasional lapses, which are quite unavoidable in the initial stages of political education of a people. The community further want the restriction against females becoming members of the Council removed.

#### EDUCATION.

Ever since the advent of the British to Burma the educational needs of the community have been a matter of special concern to the educational authorities. In all reports of public instruction in Burma, a chapter used to be devoted exclusively to Moslem education in Burma. We regret to point out that with the introduction of the Reforms this matter has not received the importance that it deserves, so much so that matters pertaining to the educational advancement of the community, important as they are, have now dwindled down from a chapter consisting of several pages of the report to but a small paragraph.

This has naturally caused considerable anxiety to the community who reasonably apprehend that the problem of the education of their children has ceased to be regarded with seriousness under the reformed Government. And these fears have been perfectly justified in view of the numerous cases of hardships which the children of the community have had to face in matters educational all round. Not only have the children of Burma Moslems not been given adequate encouragement and support by the State, but even their admission into some educational insti-

tutions, in a number of cases, has been fraught with difficulties, which it has not been so in the case of the children of Burman Buddhists. Owing to the lack of organised efforts on the part of the Burma Moslems, owing to their staunch loyalty to Government and extreme patience, disabilities after disabilities have begun to be heaped upon them. The community desire that the Government should resume the same active, sympathetic and abiding interest in the educational progress and welfare of the Burma Moslem community consistently with their policy towards them in the past. The community, we submit, should be given every facility for higher education, literary and technical, and also their adequate representation on educational bodies and the University Council.

#### PUBLIC APPOINTMENTS AND SERVICES.

The community demand a fair share in all public appointments and Services proportionate to their importance and numerical strength. They feel that during recent years there has been a dangerously marked tendency to regard members of their community as foreigners and interlopers in the matter of appointment to the Services. They seem to have been singled out for exclusion from the services on the score of their religion, their names, and modes of dress which, in a number of cases resemble those of Indian Moslems. Selection Boards on which members of their community are seldom represented have not treated the cases of bright, promising and deserving young men of the Burma Moslem community with sympathy or justice. The community after their bitter experience, are not very much impressed with the methods of these so-called Selection Boards, and would like to suggest the appointment of candidates by open competitive examinations.

As proof of the inadequate representation of the Burma Moslem community in the services we beg to quote the following figures from the report of census in Burma for the year 1921 :—

#### PUBLIC ADMINISTRATION :

Indigenous races	..	27,004 total workers.
Burma Moslems	..	468 total workers.

#### PUBLIC FORCES :

Indigenous races	..	15,872 total workers.
Burma Moslems	..	170 total workers.

The community, therefore, feel strongly that their members who are eligible for the public Services should not be penalised on the score of their religion, their names or modes of dress. As a minority community they look up to the Government to protect their interests in so far as their representation in the public Services are concerned.

#### CONCLUSION.

The Burma Moslem community, it may be said in conclusion, have permanently settled down in Burma. They know of no other home except Burma. The majority of them are born in Burma and die in Burma. They have all their properties and vested interests in Burma. They regard this province as the land of their birth, adoption and domicile. In the matter of patriotism and in regard to efforts towards social, educational and political amelioration of the country as a whole, they are not a shade less than the Burman Buddhists. They contributed their own share of men and money in no grudging spirit during the Great War. Their participation in all public charities is far beyond their own material resources as a community. In politics, they belong with few exceptions to the moderate school; and are wedded to constitutional methods. They have, with few exceptions, avoided extreme politics for which they have even incurred the wrath of Indians and Burmans of the extreme ranks in the Province. They have been second to none in their complete identification of their own

## MOSLEM LEAGUE, BURMA.

interests with those of the province. They have no desire to thwart the political aspirations of their Burman Buddhist brethren with whom their lot is cast in this country. In demanding the special safeguards and protections which they have done in this Memorandum, they have been actuated by the best of motives and the natural instinct of self-preservation. It is far from their intention to stand

in the way of Burma attaining Home Rule, but it has been their honest concern to safeguard their own positions which they have been driven to do in face of open political hostility evinced towards them by the majority community. Under the circumstances they have no other alternative but to present their case, strong as it is, before the Royal Statutory Commission.

## Memorandum submitted by the Moslem League, Burma.

In placing our Memorandum we owe an explanation. We began work too late and consequently it was not possible for us to follow the indications and fulfil the desires embodied in the invitation. Our observations and suggestions generally refer to Burma unless where otherwise stated. We have omitted such matters as are, in our opinion, not of our immediate concern. Our opinion is not necessarily the opinion of the whole Moslem population of the province.

We are in full accord with the policy of progressive realisation of responsible Government by the gradual development of self-governing institutions, as progress in this direction can only be achieved by successive stages.

We oppose the separation of Burma on whatever principle the demand may be based, as in our opinion no separate political evolution will hasten her steps towards the objective nor the false issue of racial discrimination will help her cause.

We maintain that there is no race feeling in the mass and inter-racial marriage system had been its recognised social institution. Apart from our landed, agricultural, industrial and commercial interest mostly our domestic life is thus inseparably bound up with the country.

We demand equal status of citizenship in the economy of Burma by a statutory declaration and our communal representation in all the branches of the Administration—Government or public—of the province.

The population of the whole province is made up as follows:—

Buddhists ..	11,201,943
Animists ..	702,587
Muhammadans ..	500,592
Hindus ..	484,432
Christians ..	257,106
Confucians ..	14,131
Sikhs ..	4,843
Jains ..	1,135
Jews ..	1,135
Brahmos ..	448
Zoroastrians ..	380
Aryas ..	270
Shintais ..	45
Others ..	18
Total ..	13,160,065

It may be noted that apart from the overwhelming Buddhist majority, the Hindus are also in majority in all the divisions except Arakan, Sagaing and Meiktila owing to our uneven distribution as it appears from the following table made up of the Buddhist, Hindu and Muhammadan communities:—

Arakan Division :	Buddhist..	506,694
	Hindus ..	16,304
	Muhammadans ..	218,737
Pegu Division :	Buddhist..	1,848,999
	Hindus ..	252,530
	Muhammadans ..	102,095
Irawaddy Division	Buddhist..	1,835,026
	Hindus ..	54,447
	Muhammadans ..	38,297

Tenasserim Division :	Buddhist..	1,359,574
	Hindus ..	70,389
	Muhammadans ..	63,296
Magwe Division :	Buddhist..	1,376,446
	Hindus ..	12,209
	Muhammadans ..	7,768
Mandalay Division :	Buddhist..	638,118
	Hindus ..	37,274
	Muhammadans ..	28,961
Sagaing Division :	Buddhist..	1,210,001
	Hindus ..	10,658
	Muhammadans ..	12,517
Meiktila Division	Buddhist..	1,153,639
	Hindus ..	11,616
	Muhammadans ..	24,087

Except in large municipalities we have no separate electorates for our communal representation, either in the Legislative Council or in other public bodies. In the existing Indian electorate for the Provincial Legislative Council we have to face the same Hindu Moslem problem as in other provinces. We have no communal protection and our community had been the chief sufferer in social, educational and political progress.

For our political existence separate electorate is of vital importance and it may be noted that in spite of our recognised loyalty and extreme religious tolerance during the Great War the special representation with separate electorates secured to us in 1909 was not given to us in Burma by the last Reforms.

However, in our opinion, the present Legislative Council should be enlarged in size and composition in order to give prominence to the representations of the various communities and interests by direct election in which the proportion of our communal representation on a communal basis should be one-eighth of its total strength and also our representation in municipalities and all other public bodies should be on the same basis.

We also consider it necessary to enlarge the present total strength of the Legislative Assembly and the Council of State with elected majority and to concede a special franchise to our community in Burma for both the Indian Chambers.

We consider it necessary to make franchise as broader as possible, but we are not in favour of adult suffrage. There is not much of reality in the present basis of representation owing to the questionable quality of votes. In our opinion the method of voting should be improved. We propose the following electoral qualifications for all groups and communities:—

- All persons in whose names any revenue, rent or land or house rates, cesses and taxes are paid.
- All firms, corporate bodies or joint families by their duly authorized agents in whose names any revenue, rent or land or house rates, cesses and taxes are paid.
- All literates.

The names of such persons shall only be entered in the Electoral Rolls, on completion of which identification cards should be issued to every voter by the collecting authorities concerned.

This measure, in our opinion, will lead to the use of votes with perception and effect, and will encourage in representatives a sense of responsibility to the people.

Our representation in the public services is practically nil. Special mention is to be made of the total disregard of our communal representation in the appointment of Judges of the High Court of Judicature at Rangoon. With the exception of the Army and to some extent in the lowest grades in the Police, the doors of both the branches of Administration and Force are for all intents and purposes closed to us. As we have no complete statistics at our disposal, our position in the public services can be judged from the following available figures.

Public Administration :		
Indigenous Races	27,404	Total workers.
Burma Moslems	468	do.
Public Force :		
Indigenous Races	15,872	do.
Burma Moslems	176	do.

That there exists a racial discrimination in the public services cannot be gainsaid. It had led a good number of our young aspirants to adopt Buddhist names and to turn renegades to Islam. Its moral effect has threatened our social life and our future is at stake. In the civic affairs also the same spirit is conspicuous. In spite of our large contributions towards the revenue income of the Municipal Corporation of Rangoon our place is hardly traceable in its establishment, which absorbs more than one-tenth of its total income. It cannot be contended that there are no qualified professional men and educated class among us, the fact is that the method of selection has reduced the number of Moslem applicants to its lowest level.

We demand that our representation in Public Services—the Government Department and the Public Bodies—including all grades of the Judicial Department should also be one-eighth of their respective total strength.

As regards Indianisation scheme a fair proportion should be reserved for our community in Civil Service, Army, Navy and other important services. We propose that important posts maintained by the public bodies such as Executive Officer, Engineer, Secretary, Public Health Officer, Assessor, etc., should be filled by a Selection Board directly under the Government control on a suitable basis.

We demand that one-eighth of all grants in aid of education, religion, charity and for social purposes whether given by the Government or a local body to be reserved for our institutions.

In view of our vast interest in land, trade, commerce and industry of the country we demand equal treatment in the distribution of agricultural and industrial loans, grants, subsidies, bounties and other forms of encouragement. We also demand full protection of our shipping industry against the exploitation of our coastal trade by the foreign mercantile shipping.

We claim full right as to the possession of land, forest, concessions, grants and other privileges and urge that the present restrictions in respect of same should be removed and no racial discrimination should be encouraged in disposing of the tenders or contracts for sales, leases or rights or the supplies of stores or labour to the Government Departments, Railways, Port Trust, Municipalities, District Boards, and other public bodies.

We insist upon introducing a change in the Educational policy. In Burma during the year 1925-26 the total expenditure on education including expenditure incurred in the Public Works Department on educational buildings, etc., is Rs. 1,72,41,598 and the average expenditure per head of the population is Rs. 1-4-10. Out of the above amount a sum of Rs. 18,11,578 including expenditure on educational buildings, etc., is spent alone on the European Education, a small community consisting

of a total population of 25,005 persons and accordingly the average expenditure per head of European population is about Rs. 72-7-2. Thus it is obvious that a policy of judicious allotment in expenditure is urgently called for.

In his report for the year 1925-26, the Director of Public Instruction has referred to the Urdu trouble. He says "the Deputy Inspectors support their co-religionists on the need for this language, one of them on the curious ground that many Burmese Moslems go on pilgrimage to Mecca. I fancy they are startled when they get there at the shocking ignorance of Urdu among the local Buddhists."

Again in the Seventh Quinquennial Report for the years 1922-23 to 1926-27 he says that as the home language of the Muhammadan children who attend these schools is Burmese or Bengali (in Arakan). Despite this fact, Urdu is the vernacular taught in these schools by teachers who frequently have very little grip of the language themselves, the result is that the children leave from the Lower Primary School with little or nothing to show for their two or three years schooling.

It is a recognised fact that Urdu is a *lingua franca* of the East, and there is no better medium to impart religious instruction for Moslem children and to develop cosmopolitanism irrespective of the linguistic distribution of Asiatic races. We strongly recommend its retention up to the High School standard for the Moslem students throughout Burma.

We deem the preceding safeguards to be essential to our existence in Burma and we will oppose all changes in the constitution unless and until they are guaranteed to us.

M. AUZAM,  
Barrister-at-Law,  
President,

The Moslem League, Burma.  
Rangoon, 24th January, 1929.

#### SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE MOSLEM LEAGUE, BURMA.

With reference to our demand for full protection against the exploitation of our coastal trade by the foreign mercantile shipping mentioned in our Memorandum we deem necessary to submit a fuller explanation as to some of the problems of the indigenous shipping industry of Burma.

Burma has an extensive seaboard and Akyab, Moulmein and Syriam had been her important outlets from time immemorial. With the advent of British rule and the immense development of her overseas trade, Rangoon became a centre of high importance and one of the most progressive seaports in the East.

The establishment of steamship service ousted the country sailing crafts, which were engaged in her coastal and overseas trade. It was a great blow to her indigenous shipping industry and an uphill task for her national regeneration.

Some time back, the first impulse of revival of the shipping industry came from the deck passengers' suffering which resulted in the establishment of a regular steamship service between Burma and Bengal by Bengal Steam Navigation Co., Ltd.

The Company had two well-equipped steamers for passengers, and cargo traffic and fared well till a passage and freight war was waged against it by the foreign shipowners, and consequently it had to close down after struggling hard for five years.

After an interval of about 20 years, towards the end of the year 1927, Mr. Abdul Bari Chowdhury, a well-known merchant of Rangoon, re-established the Burma-Bengal Service with Hedjaz Straits Steamship Company's Steamers, which were suddenly withdrawn by the Company in January, 1928.

Mr. Chowdhury re-opened the Service under the name of Bengal Burma Steam Navigation Co.,

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which was subsequently converted into a public limited liability company in July, 1928.

Against this newly-formed Company the rate war was again carried on with fresh vigour and the less said about its objectionable feature the better. One of the most glaring means used in fighting and discouraging the pioneers of the indigenous shipping concern of Mr. Chowdhury was by running launches apart from their action against the Company.

It may be noted that during the last thirty-five years several indigenous inland shipping concerns had been wiped off by such unjust competition and some of their names and descriptions are as follows :

1. Yunan Co., Proprietor Salebhoj. Service Yandoon to Pantanaw. 8-10 Launches, about 40 years ago.
2. Tara Charan Pal, Service—Kyawtan to Thongwa. 10 Launches, about 36 years ago.
3. Dawson, Hlaing. 4 launches, about 32 years ago.
4. Narayan Chetty. Service—Kyaiklat, Twante and Dedaye. 4 Launches, about 25 years ago.
5. Kali Comar Singha. Service—Yandoon, Wakema, etc. 5 Launches, about 25 years ago.
6. Burma River Transport. Proprietor, Mr. Maneckji. Service—Moulmeingyun Wakema, etc. 7 Launches, about 15 years ago.
7. Joy Chandra Shaha & Osman Ali. Service—Eime and Myaungmya. 4 Launches, about 14 years ago.
8. Gherao. Service—Yandoon, etc. 2 Launches, about 12 years ago.
9. Golam Hoosain Atcha & Nobo Comar Dey. Service—Bassein, Thayagon, etc. 12 Launches, about 10 years ago.
10. Phayataga U Shwe Gale. Service—Moulmein, etc. 11 Launches, about 10 years ago.
11. Tofarali Mean Saheb & Dawood Atcha. Service—Pantanaw, Wakema, Maubin, etc. 4 Launches, about 10 years ago.
12. Dawood Atcha. Service—Bogale, etc. 2 Launches, about 10 years ago.

The names and descriptions of the existing inland shipping concerns are as follows :—

1. Mr. A. B. Chowdhury. Rangoon, Pagan-daung Service. 17 Launches.
2. Monoo Myan Serang. Service—some stations in Delta line. 15 Launches.

3. Mobarakali Sawdagar. Service—Yandoon, Moulmeingyun, etc. 5 Launches.
4. Monoo Myan Serang and Arbanali Sawdagar. Service—Myaungmya Wakema, Labota, etc. 8 Launches.

These existing concerns are of long-standing and are struggling hard for their existence. It cannot be contended that such competitions are carried on on healthy lines and that a policy of judicious protection is not called for.

Protection of indigenous shipping industry is a matter of vital importance, particularly for Burma, as she almost entirely owes her existence to her overseas commerce. It is based on the principle of self-preservation and restoration of what is her own.

Against the aggressive foreign competition and ruthless exploitation of our economic resources we have every right to protect our interest by all lawful measures. It is our earnest desire not to deprive anyone of his legitimate share in the trade and commerce, but we shall not allow to wrongfully take away from us anything which is our own.

We hold that the existing shipping ring is a menace to our interest and a barrier in the way of Burma rice to compete successfully in overseas markets. It was only with cheaper freight of Bengal-Burma Line that Burma rice was sold at a cheaper price than Saigon rice in Bengal when famine was threatening her last year.

We strongly support the Coastal Reservation Bill, introduced in the Indian Legislative Assembly by Mr. S. N. Haji, which has unnecessarily drawn a good deal of attention to the foreign capitalists in the various spheres of commercial activity and it is obvious even to a casual observer, that there is a concerted action to repress the growth of indigenous enterprises, and that in regard to shipping there is a concentrated opposition to the Bill. We urge that its passage be expedited in view of the urgent need for protection.

We again demand that full protection be given to the indigenous shipping trade against the aggressive competition of non-Indian concerns and necessary steps be taken to regulate the coastal freight and passages until such competition is removed, and that in view of the payment of about two and a half lakhs of rupees yearly as subsidy by the Burma Government to the Irrawaddy and Arakan Flotilla Companies, the existing indigenous shipping concerns should also be adequately subsidised.

M. AUZAM,

President,  
Moslem League, Burma.

Dated 29th January, 1929.

## Memorandum submitted by the Provincial Tanzim Committee, Burma.

Before dealing with those questions on which the future of Indians rest, it is necessary to state in brief the mutual aims of the Government and the governed.

Like all other nations the people of India are entitled to control and direct the Government of their own country. But as we are divided into numerous races, castes, and sects, and as we are thought generally backward in education and political training, full powers of government cannot be immediately transferred into our hands. For the proper administration of these powers two Chambers of the legislature known as the Council of State and the Legislative Assembly were established to co-operate with the Central Government and one Chamber known as the Legislative Council was

established in each province for the same purpose. It was further provided that in each province the Governor should appoint two or more ministers from among the elected members of the Legislative Council to administer what are known as the Transferred Departments, that is departments, the administration of which subject to the general control of the Governor was transferred into the hands of the ministers and thus in a sense to the Legislative Council and through its members ultimately the people of the province. With regard to other departments the Council was given the right of criticism and suggestion. The object of this association was to associate the people of the country and to train them up for the ultimate assumption of full control over the administration.

But the introduction was based on a fundamental mistake as the result of an understanding arrived at between the Indian National Congress and the All-India Moslem League, whereby in the Legislative Councils of Bengal and Punjab, two provinces in which the Moslems are in a majority the number of seats allotted to Hindus or the Hindus and Sikhs, practically gave these communities a majority in the elected sections of the councils. The North West Frontier Province was excluded from the operation of the New System on political and military considerations and this exclusion was also operated to the prejudice of Moslems. It was further provided at the time that at the expiry of ten years from the introduction of the Montagu-Chelmsford Reforms of 1919 a commission would be sent out to India to enquire into the working of this system and to make a report as to whether the working of the system justified its extension or called for its curtailment.

Centuries of subjection have made the Hindus entirely incapable of adopting a generous outlook in national affairs. They constitute three-quarters of the population of the country and it is quite evident that whatever concessions they may be prepared to make to the Moslems, the grant of responsible self-Government is bound to invest them with the chief power in the administration of the country and as a community they are likely to benefit most from this transference of power. Having regard to the treatment accorded to the Moslems during the last four years it can be honestly said that they cannot concede to the Moslems even such a share in the Government of the country as the latter are entitled to in some provinces on the strength of the numbers and in other provinces in order to secure to them a fair representation in the institution of the Government.

In order to deprive us of proper representation the system under which members of each community elect their own representatives to the different Legislative bodies should be put an end to and in its place a system of Joint Electorates should be introduced. On the surface this is a perfectly reasonable proposal and there is no doubt that if the different communities are placed in an almost equal footing in economic and educational matters and could be persuaded to abandon their present attitude of unreasoned bigotry the system of representation advocated by the Hindus would be the only suitable system to be adopted, but the introduction of the system at the present juncture, when the Moslems are not only backward in education but are held in economic slavery by the Hindus and are even unable to organise themselves would be disastrous for the Muslims. Even if a certain number of seats were reserved for the Moslems, the Hindus would be able so as to manipulate the elections as to compel the Muslims debtors to support a Moslem puppet candidate who would be completely subservient to the wishes of the Hindus as against an independent Moslem with the result that the majority of the Moslem representatives would only be the hirelings of the Hindus, and Moslem interest would remain practically unrepresented. These tactics are actually employed in Municipal and District Board elections where there are joint electorates and the Moslems are now sufficiently familiar with their results.

There is another plan adopted by the Hindus. Realising that each community would be able to profit by the grant of self-Government in direct proportion to its members and in order therefore to inflate their numbers they adopted the expedient of what is known as Suddhi Movement. Right from the Orthodox Hindus to the Arya Samajists joined together for proselytisation. Never before such a movement had its appearance in the Hindu history, but this movement has since four years been launched with the sole object of enhancing their numerical preponderance still further and thus enabling them to monopolise the control of the administration. With such object in view efforts were made to convert

by means of persuasion, pressure, bribes, false inducements, and misrepresentation, so that the desired object may be achieved the more speedily. Simultaneously with the campaign the Hindus commenced a campaign of vilification against Islam and its holy founder.

All these are attributable directly to the narrow-minded bigotry which desires to see all political power in the hands of the Hindu communities and to that deplorable mentality which would not rest till it had reduced the Moslim to the abject and mean Sudras. This seeking of a vain desire destroyed the peace of the country, arrested its progress, and filled the hearts of men with ill will and their minds with anxiety. And what an irony of fate is that these Hindus have put all these matters in quite a different light altogether before the English people. They say that the disturbances in India are direct results of the system of communal representation and that the system of the Joint electorate should be abolished. The English people owing to their own national traditions are naturally not prepossessed in favour of this system and the Hindu propaganda has, therefore, achieved a considerable measure of success in at least silently appealing to the Statutory Commission of Sir John Simon to modify the present system in such a manner as to lead to its abolition within a short time.

The Moslems in Bengal and the Punjab are in majority, so their representatives in these provinces must be commensurate with the strength of Moslem population.

Similarly the continuation of the exclusion of the North West Frontier Province from the scope of the Reforms Scheme will have a prejudicial effect on the interests of the Muslims of India as a whole. This question is not one affecting that province alone but concerns the Moslems of India generally.

The only two provinces, out of those included within the operation of the Reform Scheme, in which the Moslems are in a majority in these provinces, are so small that they do not afford any margin for compensating the Hindus for their affording to the Moslems in other provinces representation in excess of the proportion justified by their members. In North West Frontier Province, however, the Hindus can be amply compensated for the concession shown by them to the Moslems in provinces in which the latter are in a majority, without in any way jeopardising the interests of the frontier Moslems themselves, and in this way Moslem interests in Bengal and the Punjab, which are at present in a sense mortgaged in return for concessions granted to the Moslem minority in other provinces, can be redeemed.

Ninety per cent. of the people of Sindh are Moslems and the interests of that province are in no way identical with those of Bombay to which, at present, it is subordinated. It is, therefore, necessary that Sindh should be constituted a separate province.

Again it is imperative for the protection of the Moslem interests that the provinces should be freed from the control of the Central Government in all local and provincial matters. All provincial subjects would be under the complete control of a Legislative Council with ministers in charge of the various departments: and that if India is to remain a unit and not become a disintegrated body of warring elements, a strong, firm, and consolidated Central Government, is essential.

A number of the existing reserved subjects would be made Provincial—all indeed except subjects such as the Police Administration (including Village Administration), Control of the Imperial Services, Jails, Backward tracts, Land Revenue Administration, Borrowing and so forth. These would become Central Subjects such as Defence of India, External Relation, Shipping and Navigation, Major Ports, Posts, Telegraphs and Wireless, Customs, Income Tax, Currency, Savings Banks, Public Debt, Audit Department, Civil Law, Commerce, Geological, Botanical, and Zoological Surveys, Criminal Proce-



ture, Surveys of India, Census, Regulation of Titles, and so forth.

But the Transferred Subjects (from Provincial to Central) are to be under the control of the Governor aided by an Advisory Council—possibly also assisted by a Deputy Governor who could be appointed under the Government of India Act to administer the Frontier areas and the backward tracts of India and Burma. The Government of India Legislatures would of course under this scheme have to be modified in such a way as to ensure that each province was adequately represented by both non-official and official members.

The position and powers of the Governor have on the whole been adequately safeguarded under the Government of India Act, 1919. Much is left to the discretion of the Governor both under the provisions of the Act and of the Rules made under the Act as well as by the instructions to Governors. And it is hoped that a wide discretion (particularly in respect of Central subjects) be retained to the Governor under any revised system. In relation to his Ministers he must be consulted in respect of all appointments of Imperial Service Officers. The outward semblance of a government working in harmony and unity must be maintained.

The Financial position of the country should be most carefully examined. It is Finance that after all determines a Country's prosperity. More and more money will be required for Free Primary Education, Hospitals, Roads, and other similar purposes; and all these depend in the long run for its development in Capital and Labour. Efforts should be made to reduce the overhead Charges of Administration. It would be interesting to see what exactly has been the cost of Reforms in this direction. The Indian Statutory Commission are to bear in mind that Taxation is a heavy burden on many important industries and that the easing of that burden is essential in the interest of India's development as a widening of the franchise or the grant of the increased responsibilities. The members of the Governor's Advisory Council need not be whole time appointments and certainly need not be paid the same salaries as members are at present. The Legislative Council, too, might well be made less of a public charge by increasing the size of constituencies and by reducing the number of Nominated Members with the more efficient administration that might be expected to ensure upon the establishment of a Federalised System of Government, expenditure in other direction might be brought down to a figure which the country would not feel as more than a reasonable charge; for the protection and the amenities it is Government's duty to provide.

Unless consideration is shown in the matter of Financial Settlements and adequate representation, a feeling of bitterness and rancour will be created and will grow and spread, until an act of repression or a curt refusal to a reasonable request produces a state of exacerbated resentment. It is said that Parliament might close its door for a year or two and leave the duty of collecting Taxes and administering the Law to its great body of Civil Servants: but abuses would quickly creep in and the fresh air of criticism would be required to eradicate these and give new life to the machine. A strong Central Executive Authority is required to direct and control the administration and to evolve and state policy. A strong Upper Chamber with extensive powers of control for constituting the Governor and Agent<sup>for</sup>

the Government of India in the discharge of its responsibilities for what are Provincial Subjects, and for making Provincial Legislative Council responsible for the subjects made over to their control, are acts which the Indian Statutory Commission must keep into their view.

The status and position of India in the British Empire is a subject which might exhaust the energies and capacity of one acquainted with the constitutional law of the British Empire. But it can be fairly said that Indians as being a distinct entity in the British Commonwealth of Nations, must have more liberty of action in respect of its power of administration.

Burma's political history is bound up with India's. She cannot be separated from India even to an inch. A well-known Persian Poet says:

(\* \* \* in Persian)

"The rose cannot last long as soon as it is separated from its thorny stem." The Government of India has got to show itself more alive to Burma's interest and more prepared than it has been to listen to the Burma's grievances. Urdu language must be retained in the Burma University course for the respect of the Moslems that live in this country, for the language itself, and for the respect of the Zerbadi Moslems (Burma converted Moslems) of Burma. The Moslems must at all times be left free to obtain and impart instructions in Urdu and facilities must be provided for that purpose. Similarly Urdu language must be retained as the Court language in provinces where this language is current, and it should never be replaced with the Hindu language. The question of language has an important bearing on the progress of Community and should be permitted to fall into the background: and so no change should be introduced in the language of a Province by means of legislation.

It should be made a fundamental part of the Indian constitution that no community shall have the power to restrict the religious freedom of any other community whether directly or in the guise of religious, social, or economic reform; and that the social or economic reform of a community shall rest entirely in the hands of the elected representative of that community. The propagation of religion shall at all times be free from all restrictions and that no direct or indirect limits shall be imposed upon it, for instance, that a change of belief should be evidenced by a declaration made before a magistrate, etc. Such and similar restrictions have in times past been imposed in different countries and there is an apprehension that the Hindus may resort to similar devices in order to check the progress of the Moslems.

In the last the safeguarding of the rights of minorities should be carefully considered by Sir John Simon and the members of his Commission. This question may not be acute amongst more advanced European Nations. In this country parties are at present based largely on religious divisions which are more or less permanent and the result is that a majority will probably continue to be a majority till the latter is able by means of missionary efforts to reduce the majority to a position of minority.

With the above remarks it is earnestly solicited that a careful consideration would be made by Sir John Simon and his worthy co-operators in the formation of an empire on which the destiny of the Moslems rest.

## Deputation from the Burma Moslem Society, the Moslem League, Burma, and the Provincial Tanzim Committee.

Representative of the Burma Moslem Society :—  
Mr. S. A. RAHAMAN, Barrister.

Representatives of the Moslem League, Burma :—  
Mr. MOHAMED AUZAM, Barrister-at-Law (President).

KHALIFA M. A. O. GANI.

Honorary Subedar M. I. ALLEY (Secretary).

Representatives of the Provincial Tanzim Committee :—

Honorary Subedar M. I. ALLEY.

Mr. ABDUL GHANI KHAN KASHIF (Officiating Secretary).

256. *The Chairman (Lord Burnham)*: Gentlemen, we have the advantage of receiving your Memoranda which we have all gone through carefully. I do not know whether the spokesman of each body would like to make a statement drawing our attention to any particular matter contained in the Memoranda. If Mr. Rahaman is to a certain extent the spokesman of the whole community I might ask him to begin by making any statement he wishes to make. Perhaps I ought to say that the Moslem community here, according to the Memorandum, consists of, firstly, those born in Burma, of Burmese parentage on both sides, popularly known as the Zerbadies; secondly, those born in Burma of mixed Indian and Burmese parentage, also known as Zerbadies; thirdly, those born and domiciled in Burma of Indian parentage on both sides, and fourthly, those born outside Burma and settled down permanently here. According to Part I of the Government Memorandum, page 10\*, the number of Muhammadans in this province is 501,000, 4 per cent. in all Burma, 9 per cent. in Urban areas and 3 per cent. in the remainder. Having said that, would you, Mr. Rahaman, like to make a statement on the Memorandum or draw our attention to special points in your Memorandum?—*(Mr. Rahaman)* Sir, on behalf of the Moslems of Upper Burma I received a telegram this morning from Mandalay empowering me to speak for them before this Commission. They say that their Memorandum will follow.

*The Chairman (Lord Burnham)*: I see that you are entitled to speak for the Upper Burma Moslems.

*The Witness (Mr. Rahaman)*: The main object of our representation is this: We are Burmans in the true sense of the word except in religion. So whatever Reforms the Burmans are going to get, we, as of right, must have a share. But as we are a minority community like the Karens and Anglo-Burmans, we would like to have our interests safeguarded by reserving so many seats as Burma Moslem seats for the time being. The reason why we insist upon having our representation is this. Burmans at present, sir, are asking for Burma for Burmans and not only Burma for Burmans but I feel that they are asking for Burma for Burman Buddhists, thus excluding their Burman Moslems who have no other home except Burma. As I said, sir, we are Burmans in all respects except in religion. We have no other home; we are born here, we live here and we die here. Our main object is to bring to your notice the existence of this minority community and to guard their interests as inseparable from Burman Buddhists.

257. *The Chairman (Lord Burnham)*: You are satisfied with the franchise as it exists now?—We are.

258. In regard to education you claim every facility for higher education, literacy and technical, and adequate representation on educational bodies and the University Council?—That is so.

259. You demand a fair share in all public departments and services. What percentage do you demand?—I think according to the population we ought to have at least 10 per cent.

260. What have you to say in regard to separate

electorates?—If seats are reserved for us, I do not mind having a joint electorate.

261. The number of seats?—10 per cent.

262. Is there any other demand that you would like to put forward?—I have nothing to add to what is already contained in the Memorandum.

263. Do you wish to say anything, Mr. Mohamed Auzam?—*(Mr. Mohamed Auzam)* The relationship between the Hindus and the Muhammadans in Burma has been very cordial and good and the electorate so far has been joint. But now the Muhammadans are asking for separate representation for two reasons. Firstly, they are very backward in education and politically also, and secondly the Burma Moslems for whom my friend has just spoken want to have separate representation. I have included them in my Memorandum. We do not think it would be advisable to have two sets of electorates for the Moslems, one for the Burma Moslems and the other for other Moslems. Therefore we thought it would be better to ask for separate representation for Moslems as a whole.

264. Is there any other point?—We want a fair share in the various branches of the administration.

265. I see that the Moslem League demand that one-eighth of all grants-in-aid of education should be reserved for their institutions?—Yes.

266. What is your point about teaching of Urdu?—They want to abolish that. We say that it must be taught because if we have no Urdu teaching here we will have no religious instructions here.

267. I see you say that "the Deputy Inspectors" support their co-religionists on the need for this "language, one of them on the curious ground that "many Burmese Moslems go on pilgrimage to "Mecca"?—Yes.

268. *Mr. Rafi*: Mr. Auzam, is it not a fact that in so far as the municipalities are concerned, the Hindus are separate from the Muhammadans?—Yes.

269. They have separate electorates?—Yes.

270. But it is otherwise so far as the Legislative Council is concerned?—That is so; we have a joint electorate.

271. Your point is that a common system should be adopted both for the Legislative Council and the Municipalities; that is to say you want separate electorates for both?—That is so.

272. You will admit that the relationship between Hindus and Muhammadans in this province has been very cordial?—Yes.

273. Do I understand you to say that but for the separate representation asked for by the Burma Moslems you would not mind having one common electorate?—That is so.

274. You have been an old member of the Corporation and also of the Legislative Council for two terms?—Yes.

275. A question about elections. Is it your experience that there is personation on a large scale?—Very small; not worth talking about.

276. Surely a large number of coolies are on the electoral roll, are they not?—Yes.

277. And a large number of them turn up to vote?—That is so.

278. I suppose when people see a large number of these coolies at the election booths they run away with the impression that personation is taking place?—Yes.

279. Is it not a fact that the candidates or their election agents employ a large number of workers?—They do.

280. They always do see whether personation takes place?—Yes.

281. And if they come across any case do they not report the instance?—Yes.

282. Is that your experience also, Mr. Rahaman?—*(Mr. Rahaman)* Yes.

283. Is it your experience that although there is no legal bar to the employment of Burma Moslems

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[Continued.]

or Indians in the Government Services, as a matter of fact discrimination is made?—Yes. (Mr. Mahomed Auzam) That is so.

284. Mr. Rahaman, you say in your Memorandum that the Moslem community consists of Moslems "born in Burma of Burmese parentage on both sides (popularly known as the Zerbadies)." Do you mean born in Burma of Burmese parentage on both sides?—(Mr. Rahaman) Yes.

285. I think there ought to be the word "Moslem" after the word "Burmese" so that it can be clear. I notice that the census shows that the total population of Burma Moslems is about 92,000. Have you any reason to suspect that this figure is not correct?—We cannot vouch for the census figure.

286. Take a concrete case. You have Burma Moslems here who bear Muhammadan names and you have got Burma Moslems who bear Burmese names. When a census officer comes round and asks the Burma Moslem his name, if he says Abdulla he will be classed under the category of Indians, but if he gives his name as Maung Gye he is put in under Zerbadies. In that way, I take it, your population has been brought down to so low a figure as 92,000?—Yes.

287. Otherwise it would have been much more than 92,000?—That is so.

288. Sir Hari Singh Gour: Mr. Mohamed Auzam, you say in your supplementary Memorandum: "We oppose the separation of Burma on whatever principle the demand may be based as in our opinion no separate political evolution will hasten

"her steps towards the objective nor the false issue of racial discrimination will help her cause." Will you kindly explain more fully what you mean by that?—(Mr. Mohamed Auzam) We think that if Burma were to work out her own destiny she will have to fight singlehanded, whereas if she remains a part of India, she will get help from India.

289. You fear that if Burma is separated she might be isolated?—Yes.

290. Whereas if she remained joint with India the political strength of India would lend her assistance which she otherwise she could not possess?—Yes.

291. U Ba U: What is your view, Mr. Rahaman?—(Mr. Rahaman) If a majority of Burmese Buddhists here want separation we do not want to stand in their way.

292. Sir Hari Singh Gour: But I see you say: " \* \* \* we venture to submit that separation of this province from India at the present juncture will not be to the best interests of Burma " ?—Yes.

293. Then you go on to say that if a majority of the Burmese Buddhist community desire separation you would not oppose it. You do not want to stand in the way but all the same you do not approve of it?—Yes.

Mr. Rafi: Provided your interests are safeguarded?

294. Sir Hari Singh Gour: In what way would you like your interests to be safeguarded?—To give our community the same rights and privileges as Burmese and to reserve a certain number of seats.

## Memorandum submitted on behalf of the Indian Interests in Burma.

This memorandum is submitted on behalf of the Indian interests in Burma. It is unnecessary for our purpose to trace the origin and growth of the Indian community in Burma. Suffice it to say that the Indian community as a distinct community has come to stay in Burma. In all spheres of activity, social, economic and political, Indians in Burma have been playing a leading part in the development of the province and it is largely due to Indian initiative, enterprise and capital that the province of Burma of to-day has become an important province with its vast stretches of paddy lands and its prosperous and imposing cities. By reason of its leading part in the development of the province and the important rôle which it plays at present in all the progressive activities of the province, the Indian community is entitled to have its interests safeguarded. Indians in Burma have always evinced a keen and active interest in the political progress of Burma and have always loyally co-operated with the indigenous communities in their attempts towards political advancement. Acts and measures prejudicially affecting Indians soon after the reforms and the vigorous agitation carried on of late to prejudice the Indian in the eyes of the people, have not altered in the least the friendly attitude of the Indian community towards Burman political advance. At the same time a feeling of insecurity and lack of confidence in the dominant indigenous community to adequately safeguard Indian interests has been created in the minds of Indians in Burma and we are compelled to ask that necessary safeguards should be embodied in the constitution with a view to create a spirit of goodwill and sympathetic understanding between the two communities which are essential to the political, social and economic progress of the province.

We are aware that the European community as well as a small but vociferous section of the indigenous community is advocating the separation of Burma from British India. We do not feel called upon to express any opinion on the question as the terms of reference to your Commission defining the problems under examination preclude in our humble opinion an enquiry into the question as to the addition to, or diminution of, the territories comprised in British India.

We shall therefore proceed at once to outline the measures and safeguards which should be provided in any constitution framed for Burma.

### THE PROVINCIAL LEGISLATURE.

Before the introduction of reforms under the Government of India Act of 1919, the Indian community put forward a claim to representation in the legislature by communal electorates; the grounds which our community urged for a communal electorate have not disappeared, but on the other hand our experience after the reforms has amply demonstrated to us that our interests cannot be adequately safeguarded unless our communal electorates are continued and unless we are accorded better and more adequate representation in the provincial and central legislatures commensurate with our interests and the importance of our community in Burma. Under the present constitution our community enjoys the privilege of sending eight elected representatives to the Provincial Council; four from Rangoon and one each from Mandalay, Bassein, Moulmein and Akyab, besides the two nominated members representing Indian Labour and Indian Chamber of Commerce respectively. In other words, we are given roughly one-tenth of the total number of elected representatives and of those who come in by nomination. According to the 1921 census reports, Indians in Burma number 948,768 out of a total population of about 13,000,000. But by reason of our foremost place in the trade and commerce of the country, our very heavy contribution to the public exchequer, which is out of proportion to our numbers as com-

pared to the other sections of the population, the extent of our property in lands and buildings and the capital sunk and invested in the country, our community is entitled to at least one fifth of the total number of elected representatives in the Council. On the basis of the present number of elected members, in the Provincial Council, we claim that our community should have ten members to be elected from Rangoon, two from Bassein, two from Moulmein, one from Mandalay and one from Akyab, by purely Indian electorate, and this should be coupled with the existing right to compete in other general constituencies. As regards franchise, the present franchise appears to us to be sufficiently wide and there would be no object in disturbing it. Provision, however, should be made to ensure that the electoral roll is prepared with greater care and accuracy and after more careful enquiry. We are strongly of opinion that the definition of "an Indian" as given in schedule 2 of the Burma Electoral Rules (page 243, Burma Legislative Council Manual Part III) should be altered so as not to deprive a person of Indian descent but whose father or grandfather has not been born in India excluding Burma, the right to be qualified for an Indian constituency. If the number of elected seats in the Council be increased, the Indian representation should be increased in the same proportion. We are of opinion that a second chamber is unnecessary in this province as the franchise at present results in the election of a preponderating conservative element in the legislature.

### LOCAL SELF-GOVERNMENT.

We submit that in the matter of election of our representatives to the Municipalities, communal electorates should be continued where they are in existence. Our members in the Rangoon Municipality and other public bodies should be increased in proportion of the Indian population to the rest of the population in Rangoon, and also in proportion to the Municipal taxes contributed by our community.

### PUBLIC SERVICES.

All appointments to the public services and to the highest offices in the province should be made purely on considerations of individual merit and efficiency irrespective of race, caste, colour, creed or community. After the introduction of the last reforms, rules were so framed by the local Government as to exclude candidates of our community from competing on an equal basis with other communities for the public services. No rules or restrictions should be imposed so as to exclude the young men of our community who are people of the province from competing on a basis of equality for the Indian Civil Service, the Provincial Civil Service, the subordinate Civil Service, or any other services open to the members of other communities in Burma. In this connection we would also urge that all public and Government-aided educational institutions should be open to students belonging to all communities of this province without any harassing or embarrassing rules of exclusion. Likewise all rules intended to preclude our young men from entering professions for which they are qualified should be abolished.

### GENERAL RIGHTS.

In the matter of grants and transfer of waste lands available for cultivation concessions or leases to extract timber from Government forests, concessions to work out mines, minerals or quarries, the members of the Indian community in Burma should be placed on the same footing as other communities in Burma. Statutory safeguards should be provided with a view to see that no discriminatory legislation is possible against the Indians or other minor communities in Burma. Provision should be made that no acts be passed or measures taken by the Government to create any disability as against the

minor communities. It is noticeable that since the introduction of the reformed constitution in Burma the term "domicile" has been very much requisitioned in the various acts, rules and regulations of the Government of Burma. The term has been used very loosely and has in fact been very much abused, resulting in very serious hardships to the members of our community. We submit the term is misapplied when used with reference to the people of one province of a sovereign state residing in a different province of the same sovereign state. If it is found that the term "domicile" can be so applied, we suggest that the term may be defined with a view to avoid ambiguity and unnecessary hardship to the Indian and other non-indigenous communities residing in Burma.

#### CENTRAL LEGISLATURE.

We consider that besides the member elected by the European Constituency, Burma should be represented on the basis of its present strength in the Assembly by nine members. We suggest that the present qualification of voters may be retained, but that two out of the nine seats may be reserved for an Indian constituency. It may be urged that an Indian constituency for the Central Legislature is unnecessary in view of the large number of Indians in the Legislative Assembly returned by the other Provinces. It is submitted, however, that with a view to safeguarding the interests of Indians in Burma who have peculiar problems of their own, it is necessary that men with local knowledge of Burma should be sent to the Assembly, as their duties and functions cannot be assigned to representatives from other provinces. If the number of elected members in the Assembly is increased the number of nine seats allotted to Burma should also be proportionately increased.

#### COUNCIL OF STATE.

It is submitted that the qualification of voters should be the same as at present. On the basis of the present strength of the Council of State, the provision of only one seat for the general constituency is wholly inadequate when the importance of the province is taken into account. We suggest at least three representatives should be allowed to be returned to the Council of State, two by the Burma general constituency and one by the Indian electorate. We claim three seats for Burma on the basis of the present strength, but if the elected element in the Council be increased, Burma's share of representation should be increased in the same proportion.

#### SUPPLEMENTARY MEMORANDUM SUBMITTED ON BEHALF OF THE INDIAN INTERESTS IN BURMA.

We have already submitted that, having regard to the terms of reference, your Commission, in our humble opinion is precluded from examining the question of separation of Burma from India, as the inquiry as to what territories shall be comprised in British India is beyond the scope of reference. If, however, it is held that our submission is erroneous and that you are justified in going into the question whether Burma should be separated from British India, our community as an integral part of the population of Burma is entitled to be heard on the question.

So far as we are able to gather, the grounds of the separationists are fourfold, viz. (1) excessive financial contribution in the shape of central heads of revenue (2) drain from the country to India by exploitation by Indians (3) fear of the country being swamped by Indians and (4) sentiment and prejudice. We shall deal with these arguments as briefly as possible.

#### FINANCIAL LOSS UNDER THE CENTRAL HEADS OF REVENUE.

There appears to be a mistaken belief that Burma is financially milched by India. The spread of this belief is due in large measure to the incorrect data and inaccurate financial statements laid by the Local

Government on the table of the Provincial Legislature on the 31st January, 1927, in the course of which they say "The statement shows that the central receipts from Burma in 1923-1924 amounted in round figures to Rs. 9.76 crores and the expenditure to Rs. 2.75 crores or 26 per cent. of the receipts." Another statement (copy attached\* showing the central receipts and central expenditure for the rest of India during the same year) indicates that the expenditure amounted to sixty-four per cent. of the receipts. The Accountant-General, Burma, pointed out the inaccuracies and stated: "If the corrections suggested above are made and military receipts and charges (including marine and military works) are excluded, the percentage of central expenditure in Burma comes to fourteen against fifteen for the rest of India. The actuals under the head 19, interest on ordinary debt in statement A, do not represent the expenditure incurred on account of Burma as Burma's share of the debt and annual liability on account of interest are required to be calculated on a different basis. If this expenditure is excluded from statements A and B the percentage of central expenditure comes to ten both for Burma and for the rest of India." The Government of India was not prepared to endorse the accuracy of the Local Government's statements. If there is really any adjustment necessary to relieve Burma of any excessive contribution to the central Exchequer your Commission can make a more equitable adjustment, but there is nothing in this to require the separation of Burma from India.

There is the other question whether the cost of administration of Burma would be cheaper if Burma were to cut away from India. Separated, Burma would then retain the revenues now going into the Central Exchequer, but she would have to expend not only the amount spent in Burma under Central heads, but also further large amounts under the various heads of expenditure which are incurred by India from the Central Revenues for the upkeep of all the departments which are maintained by India for and on behalf of all the provinces including Burma. The most important item under this head would be the army and navy, including marine and military works. The military charges which Burma would have to bear in such case is not to be arrived at by dividing the military expenditure of India, pro-rata, among the provinces composing British India. The Government of India spends about 55 crores of rupees on the army, and even on a division on the pro-rata basis between the nine provinces of India, Burma's share would come to roughly 6.1 crores. The military charges of a State depend largely on the nature and extent of the country and its geographical situation. Burma has a very large coast line and a long land frontier, extending nearly a thousand miles, touching the borders of China, Siam and French Indo-China. China, under changed conditions, is a potential factor, and has assumed a much greater importance than ever before. If India has an expensive North Western problem, Burma has, or is likely to have in the near future, a North Eastern Frontier problem of equal importance which will have to be boldly faced. As to the size of the country, of all the provinces of India, Burma has the largest area. Burma has 233,707 square miles, while Madras, the next largest province of India, has an area of only 142,260 square miles. Burma is thus by far the largest province in India with the largest land frontier and sea coast and with only a small comparative population of 13,212,102. Of the major provinces Burma has thus a singularly small population to defend her frontier. Burma offers a poor field for recruitment for the army and the Burman element in Burma's army is likely to be so very small as to be almost negligible for a considerable time to come. In the absence of an element corresponding to sepoys of the Indian Army, Burma

\* Not printed.

should necessarily have recourse to the maintenance of an army composed almost wholly of the British element. It is a proved fact that the British soldier costs nearly five times as much as the Indian soldier. For a thoroughly efficient mechanised army for Burma, with all the paraphernalia of modern military equipments, the military estimate would be easily double the quota arrived at by a pro rata division of the military expenditure among the several provinces. The military expenditure would be not less than 10 crores at a modest estimate and this would consume the whole of the revenues derived from the Central heads.

Then coming to the expenditure under the Central heads the Government of India says: "It is extremely difficult to allocate to Burma and to the other provinces a proper share of home transactions and also of transactions relating to the main commercial department, namely, the Railways and the Post and Telegraphs. Generally speaking, the accounts of the Central Government follow the place of receipt or payment, rather than the province to which the receipt of payment properly appertains, etc."

Under the heads of Ports and Pilotage the receipts of the Central Government is shown as Rs. 6,31,600/-, and expenses by the same Government as Rs. 4,06,442/- for Burma. In these expenses the capital expenditure, depreciation, overhead charges and interest are not taken into account. In the same way under the Posts and Telegraphs the gross receipts are shown as Rs. 70,63,500, with working expenses of Rs. 42,43,700, showing a balance of Rs. 28,19,800. It may be remarked that the Post and Telegraph Department is beginning to pay its way in India and showing a small profit. In Burma with vast tracts of land practically uninhabited, over which the telegraph lines are run, it is impossible for the telegraphs to pay their own way. On the other hand, the profits on the postal side would be swallowed up by telegraphs and this Department of Post and Telegraphs would be worked only at a loss.

Burma has got a large programme of capital expenditure. We think we would not be far wide of the mark when we say that only a negligible percentage of the borrowings can be raised internally from Burma. A separated Burma, without the financial backing of India will never be able to borrow at rates bordering on the rates prevailing now, except in the improbable contingency of the Home Government offering to back up the loans. These circumstances will add considerably to the debt charges.

#### REPAYMENT OF BURMA'S SHARE OF PUBLIC DEBT.

If Burma were to separate from India a final settlement of account will have to be made. The famous debates on the subject of financial arrangements between India and Burma, between the late Mr. Gokhale and Mr. Gates in 1911-1912, are interesting reading. Mr. Gokhale has showed that India had paid heavily for the Burmese War, which cost more than 10 crores, and later on, India had to pay for the development of Burma, costing about 50 to 60 crores. Since 1911-12 it is difficult to say what amounts have been spent by India on Burma, or what share of the burden incurred by India should be debited to Burma. The fact remains that the items of debit on this score would be considerable. The expenditure on this head would be heavy and can only be met by borrowing at a high rate of interest.

The foregoing considerations are matters of serious importance and demand closest attention. It seems to us that on financial grounds the separation of Burma from India is impracticable.

#### SUPPOSED DRAIN FROM THIS COUNTRY TO INDIA DUE TO EXPLOITATION BY INDIANS.

It is fallacy to say that there is any appreciable drain from this country to India. It is a well-known

fact that the money earned by Indians is mostly kept in Burma, and in the case of the vast majority of them the savings from wages and profits from legitimate trades are retained in Burma, and most of the investments are in the shape of immovable property. The bulk of the liquid cash owned by the Chettyars and others is kept in Burma and not in India. The properties and investments are tangible and visible. There are, roughly speaking, 4 classes of Indians in Burma, viz. :—Chettyars, the Suratees and Memons, the Chulias, and the Indian labourers. The small class of Indians in public service and in the learned professions and other allied avocations, may be left out of account for the present purpose, as it is well known that they as a class spend most of their earnings, and their savings are so small as to be almost negligible in a comprehensive survey of the supposed drain. As regards the Chettyars, they believe in extending their business in Burma and their remittances to India are considerably less than their remittances from India to this country. Incidentally in the course of business they are compelled to own landed property taken over in satisfaction of debts owing to their debtors' default, but no figures are available as to what small proportion of the cultivable area is in their occupation. It is well known that but for the enterprise and the heavy risks undertaken by this class of bankers it would have been impossible to open up the country or bring extensive areas under cultivation. The Banking concerns carrying on business on European lines do not care to run the risk of advancing money to indigenous cultivators and traders; and it is left to the Chettyars to undertake the financing of such classes, dealings with whom are naturally a source of heavy risks. Besides the Chettyars, there is a small class of Marwaris and Miltanese doing banking business, but they are confined practically to the larger towns. So far as banking business is concerned the Indian Banker is the financial backbone of the people and is held by them in high esteem. His rate of interest is uniform for all communities and he makes no distinctions of race, creed or colour. The Burmese bankers are far from popular, owing to their higher rates of interest and their methods of business. The allegation that the Chettyars are usurious and harmful to the interests of the Burmans is wholly unfounded. It may be pointed out that the highest officials who are in the position of detached spectators have paid well-deserved tributes to the enterprise of the Chettyars and the immense services rendered by them to Burma. Sir Harcourt Butler, the last Governor of Burma, said to the Chettyars in one of his public speeches, "I value your good work. You represent a very important factor indeed in the life of the province. As a class, moneylenders come in for a good deal of criticism, but they have always been an absolutely essential part in the economic growth of any country. When the banker has to call the law into his assistance he is often unfairly criticised, and the vast amount of really good work that he is doing is often lost sight of. You, Gentlemen, have gradually and carefully built up a remarkable system of banking throughout the province, the ramifications of which are known to very few except those who have taken the trouble to make a real study of the question. Without the assistance of the Chettyar banking system Burma would never have achieved the wonderful advance of the last 25-30 years. The Chettyars provide the necessary finance to the agriculturists in practically every village throughout the province, and while enabling the Burman greatly to increase his production, they have at the same time undoubtedly inculcated ideas of thrift and economy by their insistence on regular repayments as regards both principal and interest. The Burman to-day is a much wealthier man than he was 25 years ago and for this state of affairs the Chettyar deserves his share of thanks. Your interest in the province and your desire to help it forward has often been shown

by your public-spirited actions. Those who know you best and whose dealings bring them into daily contact with you have told me how deeply they appreciate your high standard of integrity and I feel confident that whatever future developments of banking may do for Burma, the Chettyar will always hold his own and prove himself in the years to come, as he has done in the past, the real backbone of the banking system throughout the province." Little need be added by us to such eulogy. For a long time to come the Co-operative Credit Societies and the Land Mortgage Banks which are to be established cannot, in the very nature of things, replace to any extent the Chettyar element. It is undeniable that only a third or fourth of the culturable lands in the province has been brought under cultivation and the Chettyars, far from being harmful, are indispensable to the prosperous development of the country. But we must remember that if their risks and their difficulties are increased and a feeling of insecurity is created in the event of separation, they would naturally endeavour to contract their business activities and convert their investments into liquid capital and transfer it to India. There is danger of a drain only in the event of separation of Burma from India.

It is well known that the Muhammadans as a class are noted for investing all their wealth in immovable properties. They have not shown so far any tendencies to transfer their earnings from Burma and are not likely to do so in the future, unless compelled by such drastic change in the constitution as to create a sense of insecurity in Burma.

The Chulias are, as a class, petty-traders all over Burma, and some of them do considerable business in the important towns. Their earnings are small and any savings they may have are re-invested in trade.

Far from being a source of drain, the Indian community has been gradually bringing into Burma the proceeds of the conversion of their available property in India, feeling that it is better to have all their belongings in the country of their adoption rather than leave their properties in India to the tender mercies of their friends and relations.

It is true that the labourers send a small part of their earnings to their wives and children in India, but Burma requires Indian labour just as India requires Burma rice or timber. Just as India pays for Burma rice or timber, Burma pays India for Indian labour. In recent years Burmans have been doing work commonly regarded as characteristically Indian, such as forming large reaping gangs, employment in railway construction (for example in the Moulmein-Ye construction which was carried out purely by Burmese labour) working up barges to transport rice, harvest, etc. As stated in the census report of 1921, it may be expected, that, during the next decade, Indian immigrants will find it more difficult to meet the competition of Buddhists of the most vigorous age, 20 to 35. In short, Indian labour neither ousts Burman labour nor unfairly competes with it. The Indian labourer is indispensable to Burma because there are certain types of work which Burma labour will never consent to undertake, and other types of work for which it is neither fitted nor available in time. If Burma desires to stop Indian labour the Indian community will criticise the desire only from the point of view of the requirements of labour in the country and not because it is Indian labour that is proposed to be stopped. The Indian labourer cannot be easily replaced by indigenous or other labour and a certain amount of drain is therefore inevitable. It must be noted that the drain under this head is very small when compared to the lasting benefits conferred on the country, resulting in an enormous increase in the productive capacity of the country which more than counterbalances the small drain incidental to the employment of Indian labour.

#### THE FEAR OF BEING SWAMPED BY INDIANS.

The cry is frequently raised in interested quarters that the Indian is rapidly replacing the Burman. This cry is encouraged now and then by the utterances of responsible high officials and others, that on account of the competition from the industrious Chinamen and equally industrious Indians, there is a grave danger that Burmans will lose their distinctive individual national characteristics. The authors of the Census Report of 1921 have made a fairly impartial and comprehensive survey of the situation. We agree with the Census Reports in their statements that this cry is due :—

- (1) to the large number of Indians who can be seen landing from the ships that come to Rangoon from India.
- (2) to the fact that the Indian population is concentrated in parts in which its presence was particularly noticed by European observers who first raised the cry.
- (3) to the fact that about one-third derive their livelihood from cultivation.
- (4) to the fact that the bulk of them are engaged in occupations classed as industry, transport and trade, etc.
- (5) to the fact that consequently they are either in towns or close beside the railway or river routes.
- (6) to the fact that it is true even in the districts in which the Indians are proportionately numerous, and it is exactly such a location as must make them be seen most frequently by observers.

It will be seen from the Census Reports, that the share of Indians in transport and some other industries is exaggerated in the occupational tables, that they have not such a monopoly in skilled occupations and industrial establishments as is sometimes suggested.

In certain places, some areas of paddy land have been legitimately acquired by Indians or are worked by Indians, but such areas are proportionately very small and the problems involved are local.

In the distant districts the population of Indians according to the census is only 1 in 18 of population. The Indian population in Burma has grown by about 10 per cent. in the last decade, instead of 13 per cent. shown by the preceding decade.

The question then arises as to whether the immigrant population is likely to displace the indigenous population. This would depend largely upon the number of immigrant women who come to settle in the country. It is well known that the percentage of women immigrants is very small when compared to the immigrant males. The last census has shown that during the previous decade the increase in the female population was only 2.5 per cent. in 1921 as against the increase of 1.9 in 1901, and that in the distant districts less than half the Indian female population of 1921 were born in India. As is pointed out very rightly in the Census Reports, a single homogeneous immigrant race is far more likely to be absorbed into the indigenous race than to dispossess that indigenous community. The Indians in Burma are far from being an indigenous race. The conclusions taken from the Census Reports give a direct contradiction to the cry that the Indians are likely to displace the indigenous races in Burma.

The common view that the Burmese are in danger of losing their country to the Indians is not new but goes back at least 800 years. It is not unreasonable to ask for special evidence that a dispossession which went so slowly through these centuries when the indigenous races were absorbed in internecine wars, is going to have serious effect now. To a nation alive to conditions the present number of Indians and their rate of increase offer no menace, while the Indians may come to Burma for the advantage both of themselves and of Burma, and there are at present no signs that they will within reasonable time dis-

possess the Burmans and convert Burma into an Indian country.

"Those who come only for a short time cannot do this; those who stay will tend to be absorbed as they are being absorbed now. By their absorption they will, of course, influence Burmese development, as they have always done, but the essential character of the community must remain Burmese."

It is, therefore, perfectly clear that the fear of being swamped by Indians is wholly unfounded, and the cry raised is wholly mischievous and detrimental to the best interests of the country.

In this connection it may be pointed out that the increase in the population during the decade preceding 1921 was only 1,74,471. There is absolutely no foundation for the fear of hordes of Indians rushing up to settle in the country. The following table will be of interest in this connection.

During the period (1918 to 1927) the total balance of immigrants over emigrants from all places outside Burma was 6,57,418, or an average of 65,781 per annum. It is well known that during this period there has been a considerable increase of immigrants from China and other places. The balance of immigrants over emigrants cannot be arrived at by deducting the number of emigrants from the number of immigrants as was done in arriving at the above figures of 6,57,418, as it is well known that a fair proportion of the immigrant population go a number of times in the course of a particular period for a short visit outside Burma and return again to this country. These figures clearly indicate that the fear of the character of the population being changed by immigration from India is a myth.

It is true that of late there has been a steadily growing pressure of the increasing population of Burma on the means of subsistence. The low economic conditions of the province are due to causes which are world-wide, due to post-war conditions and the inability of the vast bulk of the people to adapt themselves to the ever-changing conditions. The Indians have no special advantage in this province in any walk of life, and if the Burman takes life more seriously and becomes less inactive and exerts himself, he can replace the Indian trader and worker in many profitable vocations, and of late a welcome change is discernible in this direction. There is no doubt a tendency on the part of the Burman to ascribe his low economic condition to the presence of the Indian in Burma. The Burmans were accustomed to a free and easy life. People with educational qualifications were very few and they were easily absorbed by the ever-increasing demand in the public services. The Burmans have taken to higher education in ever increasing numbers and there is a large surplus over and above the requirements of the public services. Their education, as in the case of the rest of India, unfits them for a commercial career. Refusing to recognise the real cause, Burmans naturally attribute all their ills to the presence of the Indians in the province. But a little reflection and a closer examination of facts will disclose to them the error of their conclusions and will show them that the cause and the remedy for their ills lie in their own hands.

#### SENTIMENT AND PREJUDICE.

There is a common belief that the Indians were responsible for Burma's loss of liberty. Whatever part the Indians have taken in the subjugation of Burma was not due to the desire of the Indians. The Indian people and the national organisations vehemently opposed the Burmese wars and this should be clearly understood by the Burmese people. Burmans seem to think that it is possible to eliminate the Indian community from Burma by discriminatory laws and by adopting methods of expropriation of Indians in Burma. They are slow to recognise the fact that even in a separated Burma the British Parliament will provide statutory safeguards against any such legislation or measures. In other colonies like British Malaya and Ceylon the Indians have a

large stake, are found in sufficiently large numbers and enjoy full rights, and in a separated Burma the Indian community will, as a matter of course, continue as a permanent factor even if Burma were separated from India. If this cardinal principle is brought home to the Burman, the cry of the small but vociferous section of the Burmese community against the Indian community will die a natural death.

It is suggested in some quarters that Burma may be separated from India for all practical purposes and may be placed directly under the Secretary of State for India, so that technically Burma may be a part of British India while having nothing to do with the Central Legislature or the Central Government for the rest of India which is under the Viceroy and Governor-General. This would give all the advantages of separation while imposing none of the obligations consequent upon separation. The party most concerned in such arrangement would naturally be India, and it is impossible to arrive at any decision on this question without ascertaining the views of India, and so far none of the witnesses in India have been examined on this point. It seems to us only too obvious that India will resolutely object to assume the invidious rôle thus offered to her. We shall, however, indicate our objection purely from the provincial outlook. All the powers of Central Legislature and the Central Government cannot in the very nature of things be distributed between the Government of Burma (including the Provincial Legislature) and the Secretary of State. There will still have to be central subjects common to Burma and the rest of India. There would be a central legislature and Burma and the rest of India would have an executive. This central legislature and the central executive should be located somewhere in British India, nay, they would be located in the main continent of India as the balance of convenience would be in favour of locating them at a place nearest to the largest number of provinces of India, though it may mean inconvenience to a single province. The other provinces of India would be entitled to send their quota of representatives to the Central Legislature so constituted; and such being the obvious arrangement, we fail to appreciate what advantages can accrue to Burma from it. If it is suggested that there ought to be a central legislature and central executive for India excluding Burma and another central legislature and central executive for the whole of British India and Burma, the proposal has merely to be stated to be rejected as an absurd duplication of the machinery of Government. If on the other hand it is suggested that all the powers now exercised by the central Government should be transferred to Whitehall, it will be going back on the pledged word of British Parliament contained in the declaration of August, 1917, and we as a community interested in conserving our popular powers in the matter of central subjects and in improving upon them would be justified in opposing such proposals to the interest in our power.

A suggestion is also made that in the event of separation, an arrangement can be made with India, by the payment of subsidy or otherwise, to maintain a reserve or to help Burma with the Indian Army when a contingency arises. India has been resisting all attempts to use the Indian army for Imperial purposes. India will not hear of any such proposal as the Indians will not be prepared to sell the life blood of their nationals for mercenary considerations.

It is suggested that in any constitution for Burma that may be proposed by your committee, the definition of "citizen" and "fundamental" rights should be the same as those incorporated in the proposed Indian Scheme for Dominion status as passed by the All Parties Convention in Calcutta in the supplementary report, *vide* chapter IV., pp. 31, 32, 33.

We are of the opinion that the proposal for separation and the alternative proposals and the implications which follow are impracticable and should not be



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[Continued.]

entertained. We regret to say that they are made without regard to facts and figures and without consideration for other peoples' legitimate rights. They can have no other result except the straining of the feeling of amity and goodwill which Indians have always fostered towards Burmans. We trust that in any such scheme of reform which may be intro-

duced for Burma full and sufficient safeguards will be prominently introduced so that the minority community of Indians with large and permanent interests in the province may be adequately protected and that they may enjoy unfettered full and complete and equal rights with the indigenous Burman community.

## RANGOON.

6th February, 1929.

Morning.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE BURMA PROVINCIAL COMMITTEE.

## Deputation of Representatives of Indian Interests in Burma.

The deputation consisted of :—

Mr. N. M. COWASJEE, M.L.C., Indian Chamber of Commerce.  
Hon. Mr. P. C. D. CHARI, M.C.S.  
Mr. K. B. CHANDOO.  
Mr. V. DAYA.  
Mr. N. AYMER (for Raja Ramanatha Reddiar, L.L.D.).

1. *The Chairman* : We have your Memorandum, gentlemen, and we realise that those on whose behalf you speak would be opposed to separation, and would bring before us a number of points in support of that view ; and that in the second place you ask for certain special provisions, safeguards, wanting. I think, an increase of the nine elected Indian representatives of the Burma Council to 16 ?—(*Mr. Chari*) : Yes.

2. \* \* \* (*Mr. Cowasjee*) : Two from Bassein, one from Mandalay, two from Moulmein and one from Akyab, besides ten from Rangoon.

3. And you want to increase the total Burman representation in the Legislative Assembly from 3 to 9, as well as the European constituencies ?—Yes.

4. What do you want to do, Mr. Chari, about the Council of State ? This is interesting.—(*Mr. Chari*) : We want one out of three. We want three for the whole of Burma.

5. Then you want to introduce a communal element into all these different representations, do you ?—Yes.

6. And apparently you are opposed to an extension of the franchise ?—That the present franchise may be continued.

7. I think I see the main point. Is there anything you would like to say about it ? I dare say one or two of my colleagues would like to put questions to you.—What we have to state we have stated in brief in the Memorandum, but if any questions are asked I am prepared to answer them.

8. *Mr. Cadogan* : I put a question a few days ago on the subject of the opinion of the Indian community as regards separation of Burma from India, and I was told that those Indians who lived in Burma were in favour of the separation, and that it is only those birds of passage who raise any objection.—(*Mr. Cowasjee*) : That is not so. It cannot be so, because I have lived in Burma ; I was born in Burma

and I am opposed to separation. (*Mr. Chari*) : And in fact many of the signatories of this Memorandum have been long residents here.

9. You say those who live in Burma are opposed to separation. Is that so ? You think that is the general feeling ?—The Indians as a class are opposed to separation, and most of the Burmese also are opposed to separation. The vast majority of them are opposed to separation.

10. Do you think that Indian labour supplements or supplants Burman labour ?—Supplements it.

11. Then on page 443 of your Memorandum, under the heading Public Services, the second sentence is this : "After the introduction of the last Reforms, rules were so framed by the local Government as to exclude candidates of our community from competing on an equal basis with other communities for the public services." Then a little lower down you say : "We would also urge that all public and Government aided educational institutions should be open to students belonging to all communities of this province without any harassing or embarrassing rules of exclusion." What are those harassing or embarrassing rules of exclusion ? With regard to the services, cannot you compete on an equal basis ?—We can, but we have got our own educational institutions, which are recognised by the Government, and our people are properly qualified, in fact they are better qualified than other people generally for the Government service ; but members of our community are excluded by a rule which insists upon a Burmese language test of a high standard, which our educational institutions do not provide. I agree that they should, no doubt, be required to pass a language test after entering the service, as, for instance, in the case of the Indian Civil Service, where they have to pass a vernacular test in the province to which they are posted, but in the case of Indians they are asked to produce proof that they have a good knowledge of Burmese, as it is called, without defining what a good knowledge is, and they are practically excluded from offering themselves for recruitment, and then domicile is always insisted upon. Of course, we have no objection to domicile, provided it is not vague and indefinite.

12. You do not attach conditions ?—No, we say that the domicile of a particular province has no meaning in constitutional law. I am only a humble person giving evidence before an eminent jurist, but

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[Continued.]

my own view is that domicile in a particular province of a sovereign State has no meaning at all, because if this process were extended it would mean that a man might be required to prove domicile in a particular district or township. So far as the Indians are concerned, we say there ought to be no distinction on the ground of domicile, with reference to a particular province of India.

13. *Mr. Campagnac*: On what do you base the assertion that the vast majority of Burmese oppose separation?

*The Chairman*: What page is this?

*Mr. Campagnac*: He just gave that answer.—There are various parties in Burma. Of course, the most influential party is the General Council of Burmese Associations. They have a very good organisation, and in the report made by the local Government about the various parties and their influence, after the Reformed Constitution was introduced, it is stated that the General Council of Burmese Associations has got the predominating influence in politics, and it is generally followed by the people at large. They are against separation. There is the Hundred Committee, which has been formed on a very democratic basis, and they have stated in unmistakable terms that it is to the best interests of Burma to be linked with India. Apart from that, there is the Parliamentary Party, which was recently formed. They are also opposed to separation.

14. *Sir Hari Singh Gour*: In the council?—In the council, yes. Then the People's Party as a party is opposed to separation. There is the Independent Party and their followers. I do not know how far they are in favour of separation; I think some of them are for and some against separation; but the only party so far that is in favour of separation is the recently formed Separation League. We have got figures that it comprised only 4,000 members on the 5th January, 1929, mostly youngsters. It is a recently formed Association, and they are voicing this question of separation and agitating for it. Apart from it, there are only small communities in favour of separation. I find that the Anglo-Indian community has no objection to separation. Of course, they support the separation theory also, they are only a small section of the people, and I am not so sure whether the whole community is in favour of separation. I have heard views from some people who are not in favour of separation.

15. *Mr. Campagnac*: You spoke about the Parliamentary Party. That consists of about four or five members, does it not?—It is a distinct party with followers in the country; but the dominating party is the General Council of the Burmese Association.

16. You know that they originally passed a resolution in favour of separation; it was construed as such by the Government, and debated as such?—You mean the resolution passed on 31st January, 1927.

17. *Mr. Rafi*: 1924. The mover declined to say whether it was a separation resolution or not.—The Government interpreted it as a separation resolution, but the mover did not refer to it as such. He only wanted a proper financial adjustment; that is how I take it.

18. *Mr. Campagnac*: Would I not be correct in saying that the majority of Burmans are in favour of separation, but some of them are not in favour of immediate separation?—The only people who are in favour of separation are members of the Separation League, plus the Anglo-Indian community. The rest are decidedly in favour of being linked up with India, and some of them want to reconsider this question only after Dominion status is achieved for the whole of India.

19. *The Chairman*: Might I ask, for the purposes of information, two questions. Has any resolution been passed in the Burma Council, either this present one or the previous one or the one before that, affirming that the view of the majority of the council was that there should not be separation?—There was no resolution either way.

20. Perhaps you did not hear my question; it was carefully framed. What I wanted to know was whether there has been any resolution passed in any of the Burma councils to the effect that the majority of the council was opposed to separation?—So far as I know there was no such resolution.

21. Now, if you are right when you say that there is unquestionably this large majority of politically-minded Burmans who are opposed to separation, how does it come about that nobody, with all this discussion going on, has ever proposed and carried such a resolution?—The resolution ought to be the other way.

22. I know; but one would like to see it put to the test. Do you think that if somebody in this present council, one of your own community, perhaps, was to move that in the opinion of this council there should be no separation of Burma from India, are you expressing a confident view that that resolution would be carried by a large majority? Is that your view?—Yes; but then, apart from it, if it has been raised as an election issue then the indication would be quite clear; but even apart from it, I have no doubt that the council as a whole would be opposed to separation.

23. What I feel about it is this. We are anxious to learn, but after all, it is very difficult to be sure, because of the different opinions expressed. Nobody really can assert, as though it was a matter of proved fact, that a majority of opinion is so and so, unless it is brought to the test?—But we people who live in the country have got means of ascertaining—

24. But, you see, we have had other people who live in the country, who have given us exactly the other view. I am not in the least arguing either one view or the other; but you will agree that it is not very satisfactory to have it in that form.—But then the proper thing would—

26. *Mr. Rafi*: Is it not a fact that most of the non-separationists are boycotters?—(*Mr. Chari*) Yes, that is the real difficulty.

*The Chairman*: As far as I remember, all the deputations we have had from Burmese on this subject have been in favour of separation. It is striking.

*Mr. Campagnac*: May I put one more question on this point?

27. *The Chairman*: The Karens were in favour of separation. I do not recollect any deputation of Burmese who were opposed to separation.—(*Mr. Couasjee*): We have the other section, a very large section which is not represented here. That is the trouble. (*Mr. Chari*): In fact, at page 325 of the report on the working of the reformed constitution, a report submitted by the Government of Burma to the Government of India, I find this statement is made: "In 1921 the General Council of Burmese Associations dominated all political activity," and then it goes on and gives the various organisations connected with it, and even to-day it is dominating the Burmese political activity, and then they have a firm hold on the masses. It has not been disputed that the followers of this party would form more than 90 per cent. of the population.

28. *The Chairman*: It must be a most hopeless thing for anybody who oppose them if 90 per cent. support one party.—In fact they are boycotters. Their views can only be gathered from what appears in the press, and from the resolutions that have been passed.

*The Chairman*: We shall do our best to listen to the evidence that is put before us. May I just look at that book to follow the page? (*Book handed to the Chairman*).

*Mr. Campagnac*: Are you aware that Maung Poo, in a speech in the Legislative Council—he is the leader of the People's Party, or was the leader; he is now the president of the Legislative Council—said this: "We are all unanimous that one day Burma must be separated from India."—One day, of course.

30. And then he went on to say: "It has been suggested to me that this resolution has not been supported by the bulk of the people in Burma. It

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"is not so. It is the same resolution as was passed, "if I remember aright, on the 8th February, 1921, "after my second deputation to England. At the "mass meeting at Jubilee Hall, which was overflowing, "we decided on almost identical lines, and therefore, "in spite of the telegram from the \* \* \* "Camp to the Government of India (probably it "was done out of spite), I can assure the honourable "member that this resolution is the unanimous "opinion of the Burmese population." I suppose Maung Poo is a man with a considerable following in Burma?—He has got some following. You will find from the reports published by the local Government it is stated that Maung Poo lost his following and could not get returned to the council after the statement you have read out was made. That had a considerable bearing on his election. Perhaps he was rejected for that.

31. *U Ba U*: But he has been in the council three times. He has been successful throughout?—Now, of course. In his Council speech he refers to events before the Whyte Committee, and before the Reforms were introduced here. The local Government says he lost influence; in fact he had no influence at all. That is what is stated in the book I have just handed in.

32. *The Chairman*: I am obliged to you for letting me look at this book, the report on the working of the Reformed Constitution. The report was made in 1927, and the passage you read to us is on page 225, and refers, as a matter of history, to something in 1921?—Yes.

33. It is contrasting the position in 1921 with the change which took place after 1921. The sentence you read is this: "In 1921 the General Council of "Burmese Associations dominated all Burmese "political activity," and they go on to describe a boycott which was specially directed against persons taking part in the reception of the Prince of Wales, and so forth, and then they go on to say that there was a seceding party from this General Council of Burmese Associations, and it mentions several distinguished names. It describes this seceding party as becoming the Moderate Party.

34. And they go on to describe how these people formed a Moderate Party, became a very important element, two of their members having an official position. They became pledged to a definite policy of co-operation. They trace the story, the results of the 1925 election showing that the Nationalist Party had become unpopular, and so on. I hardly think, Mr. Chari, that one could take that half sentence on this page, which refers to a position in 1921, in support of the view that here in 1929, or in the last year or two, this body is the most important political body.—It goes on to describe the seceders, and I find in a later place that these people who seceded had very little hold on the people afterwards.

35. I am much obliged to you. Is there anything at all in this book, one way or the other, on the subject of popular opinion in Burma as regards separation?—There is nothing so far as I know. That shows the feeling was not strong, and they did not think it necessary to include this aspect of it in the report.

36. The inference we will draw for ourselves. I wanted to know the fact. As far as you know, is there anything in the volume about it?—Not as far as I recollect.

37. *U Ba Shin*: Your community will not be unwilling to recommend a form of government that will content the people of Burma provided your community interests are safeguarded?—Most certainly, of course. We are interested in Burma's political advance quite as much as any Burman here.

38. And if these safeguards are provided in the constitution, you will not be opposing the separation which the Burman claims?—We oppose separation, as you will find from the Memorandum, not because we are afraid of our own position, but in the interests of Burma we are opposing separation. We think Burma would suffer financially and in other ways, as indicated in my Memorandum. In fact we are

opposed to separation not because we stand to suffer, as our interests can be safeguarded in a constitution framed after separation, but I am only concerned with the larger interests of Burma.

39. You have never been elected as a member of the local legislative council?—I have never stood for it. I stood for the Council of State, and I got elected.

40. And you got elected because no Burman opposed you?—There was a Burman candidate, no doubt, and he was there till the time the voting cards were being issued. He was eliminated only at the time of the issue of the voting cards; in fact, whoever came to work for him worked for the rival candidate, because the gentlemen who worked for the Burman candidate thought I was responsible for his being disqualified. So as a matter of fact there was a Burmese opposition, and I got returned through the Burmese votes.

41. *U Ba Shin*: Am I correct in understanding that you got the support of the Burmese in your election to the Council of State?—(*Mr. Chari*): Yes, also the support of Indians and Europeans. In the general constituency there is a large proportion of Burmans.

You know that the Burmese are very tolerant people. So will you be against their being given any form of government if your interests are safeguarded?—We want our interests to be safeguarded in any constitution. Apart from that, in the interests of Burma, in the interests of this country we are opposed to separation, not because we are Indians and India will lose Burma.

43. In answer to a question that was put to you you stated that Indian labour merely supplements. Indian labour is cheap compared to Burmese labour?—There is no competition. There are no data available. And for skilled labour it is not cheaper than Burmese labour. If there is competition we can know comparatively whether it is cheaper or dearer than Burmese labour. In fact Indian labour supplements. It does not supplant Burmese labour. It does not compete with the indigenous labour.

44. The Burmese standard of living is higher?—So far as I have seen in the villages one cannot say that the standard of living is higher. Of course it is slightly different. The requirements of the Burmese are different from those of the Indians, but all the same, I think, on the whole the standard of living is not very much higher than the standard of living of the corresponding class of Indians.

45. Do you happen to know U Ni, the leader of the party known as the Parliamentary organisation, and that he was not opposed to separation?—So far as I know that party is not in favour of separation.

46. I want to know whether you have known him and whether you have learnt anything from him as to whether he was in favour or against.—No, I had no personal talk with him.

47. You have known a leader by the name U Ba Soc, M.L.C.?—Yes.

48. Have you had any opportunity of learning from him whether he was in favour or against?—I had very little opportunity of knowing from him direct.

49. I am only asking whether you know direct. I understand that you are representing the Indian interests. Am I to understand that the interests of the Burma Moslem League, whose deputation we had before us yesterday, are also included in your representation?—Our Deputation represents the common interests of Indians.

50. *Sir Hari Singh Gour*: I wish to ask you a few questions. I will first deal with the question of separation. Do you think the Indian community in Burma, that is to say those who are domiciled here—and they are what might be called Indo-Burmans—who have settled down here for generations favour the immediate separation of Burma from India?—They are decidedly opposed to separation.

51. And do you think this opposition to separation

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is based on the ground that it will impair the solidarity of the Indian Empire?—It is largely on the ground that the interests of Burma will suffer.

52. In what way?—This is a small country. . . .

53. And a very small revenue?—Yes.

54. And the overhead charges have to be considered?—Yes.

55. She will have to maintain her own defence and guard her own frontiers?—As I have stated here in the Memorandum the whole of the revenues may be eaten up by military charges.

56. If you have a self-contained Government with the paraphernalia of a Viceroy and Governor General and so on you will have all the overhead charges. At present they are shared by Burma with India.—Along with a number of provinces in India.

57. What is the origin of the cry, "Burma for the Burmans"? When did it originate?—I believe it originated about 1916 in a small way, but as we find from the census report the cry itself is very old.

58. But what was the origin? Was it merely a national pride or national sentiment or was it because of the fear of the Burmese that their economic interests were being impaired by the influx of Indians and other non-Burmese into Burma?—Indians are found in large numbers in large cities and alongside the rivers and highways. They are in a concentrated form. And vast numbers of people are seen landing by every steamer. That gives a very exaggerated impression of the number of Indians who come here, and the Burmese are afraid that vast hordes of Indians will rush into Burma and swamp the whole population.

59. In the Memorandum prepared by the Burma for the Burmans League it has been stated that the Chettiars who come here play Shylock by charging interest up to 60 per cent. and in that way they drain the wealth of the country. What is your view on that subject?—The interest that the Chettiars charge is quite reasonable. The interest that a Chettiar charges is not higher than the average rate of interest which a retail shroff charges in India.

60. What is the average rate of interest that a Chettiar charges?—In Rangoon it is generally 1 per cent. and in the districts it is Re1-4-0 to Re1-8-0.

61. That is the normal rate of interest obtainable in India?—Yes.

62. For the kind of security that is offered?—Yes. If you give very good security you can get loans from these people for 10 or 12 annas. I know of large amounts being lent like that.

63. Is there any competition on the part of the Burmans for lending money for the purpose of financing the trade and industries of the country?—Very little. The indigenous Burmese bankers are found in very few numbers—almost negligible.

64. There is no competition at all?—Absolutely none.

65. Is there any competition by the established mercantile banks like the Imperial Bank, and so on?—No. In fact these Chettiars are the channels, the conduit pipes that reach the average peasant from the established mercantile banks.

66. That is to say, the joint stock banks lend money to the Chettiars and the Chettiars then lend the money to the people?—To peasants as well as to traders. The joint stock banks will not think of reaching these people directly because of the risks involved.

67. Therefore they lend money to the Chettiars and the Chettiars in their turn lend money to the agriculturists?—Yes.

68. And so they finance the agriculture of the country?—Yes. Sir Harcourt Butler has referred to this community and we have quoted extracts from his speech (page 445, Supplementary Memorandum of the Indian Interests in Burma). I shall quote a few lines from it: "I value your good work. You represent a very important factor indeed in the life of the province. As a class moneylenders come in for a good deal of criticism, but they have

"always been an absolutely essential part in the economic growth of any country. . . . You gentlemen have gradually and carefully built up a remarkable system of banking throughout the province, the ramifications of which are known to very few except those who have taken the trouble to make a real study of the question. Without the assistance of the Chettiyar banking system Burma would never have achieved the wonderful advance of the last 25-30 years. The Chettiars provide the necessary finance to the agriculturists in practically every village and, while enabling the Burman greatly to increase his production, they have at the same time undoubtedly inculcated ideas of thrift and economy by their insistence on regular repayments as regards both principal and interest. . . ."

69. The Chairman: It is on page 445, is it not?—Yes.

70. Sir Hari Singh Gour: Do the Indians unfairly compete with the Burmans in the industrial development of the country?—The Indians have no special advantage in industries.

71. I am talking of the backwardness of the Burmese to industrialise their country. The Government advances them 15 lakhs of rupees without interest for the establishment of a spinning and weaving mill, and the result was that owing to mismanagement that mill had to be sold to Steel Brothers for 7 lakhs of rupees, and under their management the mill is now flourishing, is it not?—Yes.

72. It went out of Burmese hands to Steel Brothers' hands?—Yes, and this fact of Burmese mismanagement has been brought to the notice of the local legislative council by means of a resolution.

73. Then your case is that Burma is not yet sufficiently ripe to enter into the commercial field?—That is so.

74. It has not received that amount of industrial and commercial stimulus so as to be able to hold its own against the non-Burmans who come and trade here?—Yes.

75. Now, as regards labour, it has been pointed out to us by the Burmese witnesses that the Indian labourer gets Rs12 to Rs15 and the Burmans want Rs30, and that is the reason why Indians compete unfairly with the Burmans. Is that so? What are the wages of Indian labourers?—It differs in various parts.

76. But what would be the average?—It is never below Re.1 for an Indian.

77. One rupee a day?—Yes.

78. It has been stated that Burmans themselves employ Indians in their paddy fields for harvesting and for various other agricultural operations?—That is so.

79. To what extent?—I think they always have a preference for Indian labour because Burmese labour is not available, and the Indian labour can give a better turn-out.

80. More efficient?—Yes.

81. There is more sustained work and greater efficiency on the part of the Indian labour and this labour is prized by the Burmese themselves?—Yes.

82. We examined the European interests in Burma and they said that they employ Indian labour because it is more efficient and they give more sustained work. In the Burma oil fields and refineries, etc., is it a fact that the Europeans employ Indian labour in preference to Burmese?—It is not in preference, but because Burmese labour is not available.

83. Now, what is the reason why Burmese labour is not available? Is it a fact that the Burman has a rooted dislike to hard work?—Yes.

84. Easy-going men?—Yes.

85. He does not like hard life?—No, and he does not like certain types of work. For instance, there are certain types of work for which he is not suited because of the heavy strain that the work involves. There are other types of work which he does not care to take, for instance, scavenging. Apart from

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industrial labour there are other types of labour which the Burmese would not take up. There are several types of work which they regard as *intra dig*—pulling rickshaws, carrying heavy loads, etc.

86. Now is it a fact that the Burman is not a thrifty man? As soon as he gets a little money he goes and enjoys himself? It has been said that the real reason why the Burman is not rich and is not able to compete even with the small moneylenders, as compared to the Indians is, he is a happy-go-lucky man, makes a little money and enjoys himself spending it. And as soon as he is at the end of his resources he goes and works again only to spend the money as before. Is that true of the Burman?—That is generally true of the Burmans. There may be exceptions.

87. Now, as regards the franchise, you have stated that you like to retain the present franchise. Do you not think that there should be elasticity in the formulation of franchise and that it should be left to the local council to determine as to what should be the franchise. They may lower the franchise according to circumstances. Do you believe that there should be a rigid rule laid down, or do you think it is preferable to have an elastic system of franchise so that as the people get more educated and there is a greater demand for participation in politics the qualification may be lowered?—It will be better to have elasticity.

88. You say you want sixteen seats for Indian representation provided the number of members of the legislative council remains as it is now. But have you got any advice to give to the Conference as to the revision of the numbers, whether the numbers should be increased so as to ensure larger representation and smaller constituencies?—Re-grouping of constituencies?

89. By cutting up constituencies?—The present Indian constituencies are quite satisfactory.

90. And as regards the Burmese constituencies can you offer the Conference any advice?—I have not considered that.

91. As regards further development of Reforms in Burma you have said that there is a galling discrimination in the matter of entering Public Services—what you have described here as “harassing” or “embarrassing rules of exclusion.” Do you want any percentage reserved in Public Services?—We want fair field and no favour.

92. As regards your representation in the local council, why do you ask for separate representation? Why should you not consider yourself as a part of the people of Burma and take your chance with them in regard to representation in the local council?—The Burmans will never elect us. When there is a question of opposition between a Burman and an Indian, the Indian has very little chance.

93. Supposing we give you reserved seats in a general constituency?—It will have all the disadvantages without having any benefits of special constituencies.

94. You recognise that separate representation cramps any effort to nationalise the people?—But here it is only a temporary expedient till the two people get into such a harmonious working as to merge all differences between community and community. Till then separate electorates are to be kept up.

95. Yesterday we had before us a deputation of Mussulmans, and the Mussulmans admitted that as between the Hindus and the Muhammadans there is the very best of feeling here, and they would like to have a joint Indian representation here in Burma, and that there is no such thing as Hindu *versus* Muhammadan or Muhammadan *versus* Hindu here?—Yes.

Mr. Rafi: They said they wanted separate representation.

96. Sir Hari Singh Gour: No; I am coming to that. But there is another class, namely, the Burma Moslems. The Burma Moslems want separate representation because they cannot get into the local

council through the general constituency. The Buddhist-Burmans and the Burma-Moslems have not the same sympathy, and therefore they would like to have a separate Moslem constituency. The Moslems in Burma may be divided into two classes—first of all, the Indo-Moslems, and secondly, those Moslems whose one parent was of Burman extraction, but they are Burmans by race but Moslems by religion. As regards the Burmans by race but Moslems by religion, that class number about 92,000 and therefore want separate representation, but not the Indo-Moslems at all. What is your view on that subject?—I understand that was what they stated, but there is no cleavage of interest so far on the ground of religion.

97. Then your point of view would be that if the Burmans by race and Moslems by religion want a separate representation, let them have it?—Yes.

98. But that is no reason why there should be a difference between the Hindus and Moslems who are getting on on most friendly terms, and you would have a joint electorate for those two people other than the Burma Moslems who may or may not have it as they like?—Yes; if the Burma Moslems want a separate representation, they may put forward their case, and we have no objection to that.

99. Raja Nawab Ali Khan: It is said that Burma was compelled to part with her money for the purpose of certain protective duties in India. Do you agree with that view?—In matters of fiscal policy no doubt certain provinces stand to lose as against some other provinces which may be more favourably situated under particular conditions. For instance, there is the steel protection duty in regard to which Burma has to bear the burden, and there is no steel industry in Burma which will get an adequate protection by the protection given to the steel industry. For instance, there is the match industry here which wanted protection. It offers a very large field and Burma stands to gain, whereas the rest of India may gain very little. The same is the case also with bamboo pulp.

100. Would you welcome any machinery in the Central Legislature which would make it possible for Burma to have an effective voice in regard to such matters?—Yes.

101. Would you suggest some?—I have asked for larger representation in the Assembly so that if it is a fairly large number, say a *bloc* of ten, they might act as a sort of party with sufficient influence and may act as a margin power. I know that very often in the Assembly the scales are turned by a small compact group, and if we have got a fairly big group, say, of ten (one European and nine other people), it would be sufficiently large to protect the interests of Burma.

102. The Chairman: I did not quite understand, Raja Sahib, what you had in your mind in putting that question?

Raja Nawab Ali Khan: I have in my mind a body like a standing committee in the Legislative Assembly with equal numbers of Indian and Burmans?—We would welcome it.

103. The Chairman: I think it is an important suggestion. But the difficulty is this, is it not? It is very commonly said, and it may be true, that the fiscal policy of an area like the area in which the Central Legislature is responsible must be one single policy, and if it is to be carried, the tax must be one levied on the same principle and you would not draw a distinction between one party and another. If that is the case, what strikes one is this. How could you get an effective voice for a particular province which at present has got very special needs, but not necessarily general at all? What had you in your mind, Raja Sahib?

Raja Nawab Ali Khan: I had in my mind, sir, only this idea of the standing committee for Burma.

104. The Chairman: I believe what Mr. Chari proposed was that there should be an increased representation for Burma. But, after all, how does an increased representation for Burma help you in matters relating, for instance, to fiscal policy, which,

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as I said, must after all be one single policy in the Central Legislature?—My idea is that if there is a fairly large proportion of members there, if we are given the same representation as the major provinces—for instance in United Provinces it is 17, in Bengal it is 17, Madras 16, and Bihar and Orissa 12, and the Punjab 11—that will fairly secure our position. We must, at least, have representation just like any other major province.

105. *Lord Burnham* : I should like to pursue that question to have a little information from you, because I am not aware of any Customs rule anywhere which admits of exceptional treatment of one particular area. There may be such cases, but I do not know of them, and I was wondering how in regard to Customs duties you would be able by means of a committee to vary the amount of the tariff in favour of or against Burma?

*Sir Hari Singh Gour* : He was not dealing with tariff at all. He was only dealing with the question of a standing committee to advise Government on the general administrative problems arising in Burma.

*The Chairman* : I misunderstood it too; I am sorry; I thought it had something to do with steel.

*The Witness* : What I had in view was merely a sub-committee to advise on matters of practical administration peculiar to Burma.

106. *Dr. Suhravardiy* : Am I right in saying that you want separate representation for Indians in Burma for the same reason that the minorities in India want separate representation for themselves? You are familiar with it, I suppose?—Yes, I am, but our case is not exactly on all fours with the conditions in India.

107. Not on all fours, but broadly speaking?—Perhaps so.

108. And for the same reason you are opposed to joint electorates with reservation of seats in Burma?—That is so.

109. *Sir Arthur Froom* : Mr. Chari, I understand that your chief reason against separation of Burma from India is that the interest of Indians in Burma would be jeopardised?—That is one of the reasons.

110. That Indians by their industry have established a large amount of business in Burma and you are afraid that if it is to be separated from India, Burma might not develop?—Yes, that is so.

111. Another reason which you have mentioned is that the presence of Indians in Burma has been a benefit to Burma?—Yes.

112. Supposing the position of Indians in Burma under separation was secured by some legislation, you would still be opposed to separation?—Yes, because our main source of opposition to the separation is that this country of Burma will suffer.

113. So, it is in the interest of Burma?—Yes. It is in the best interests of Burma.

114. The two are bound up to such an extent that you think that in the interest of Burma the separation would not benefit Burma?—Yes.

115. Do you consider that there is any close connection between the Indians as a race and the Burmans as a race? They are rather separate races, are they not?—Practically not in point of culture and religion.

116. I am not talking of culture; but as a race?—As a race they are separate.

117. Then you do not agree with this cry of "Burma for the Burmans"?—No.

118. Why not?—That is because, apart from the question of separation, we do not want any special protection, or special favour shown to us. We only want a fair field. We regard ourselves as Burmans quite as they themselves are.

119. Then how is it you have no sympathy at all with this cry of "Burma for the Burmans"?—It is not a question of want of sympathy. While their interests ought to be safeguarded, the interests of other people ought not to suffer. That is our standpoint.

120. Then while going through another country,

viz., India, we heard the cry "India for the Indians." Would you sympathise with that cry?—For all practical purposes we say we are also Burmans.

121. That was not my question. My question was if in a great country like India, there is the cry "India for the Indians," why should you object to the cry in Burma, "Burma for the Burmans"?—If taken in a broad sense, we have no objection to it.

*Sir Hari Singh Gour* : One is an advanced race, while another is a backward race; that is the difference.

122. *Sir Arthur Froom* : Turning to page 443 of your Memorandum wherein you ask for safeguards against discriminatory legislation, you want those safeguards irrespective of whether Burma is separated or whether she is not?—Yes.

123. In any further advance towards self-government you want these safeguards?—Yes.

124. Mr. Chari, you are a well-known member of the Council of State, is that not so?—I am a member there.

125. I have got a seat there myself and I have heard him there on many occasions. Now, with this claim for safeguards for your minorities in Burma, would you be prepared to give similar safeguards to minorities in India?—The minorities require protection, and if there are similar cases like ours, no doubt they are entitled to similar protection.

126. Claiming as you do some sort of special protection for the Indian minority in Burma, and being a reasonable man and, as I say, a distinguished member of the Council of State, you would be prepared to agree to the protection of minorities in India on the same lines?—Yes.

127. *Sir Hari Singh Gour* : Is there any difference between a politically advanced community requiring certain reservation as the Indians do and a backward community demanding separate representation because they are backward?—There is a good deal of difference.

128. Then there is a difference between the politically advanced India and a politically backward community. You regard the Burmans as a politically backward community, having had their Reforms only for the past six years, and they have not had that political education which Indians had?—Yes, when compared to Indians.

129. *Lord Burnham* : I have heard statements made that Mussulmans are politically backward in some parts of India?

*Sir Hari Singh Gour* : In some parts of India they are so, sir, but only in some parts.

130. *The Chairman* : Just one question I would like to ask if my colleagues see no objection to it. I have no interest at all to embarrass you in the least unfairly. The question as to the prevailing opinion on the subject of separation of Burma is, of course, a very difficult one for any of us to form a judgment on, nor indeed is the prevailing opinion necessarily the only consideration; there may be other considerations, too. Still it is a factor, and, now that we have got the Burma Provincial Committee here which has been elected by the Burma Legislative Council and which has just gone through the general election, I was wondering whether there will be any objection to my asking them this question. Is your Committee, U Aung Thin, of opinion, supposing there is a motion in favour of separation, that it is likely to be carried or likely to be lost in the present Legislative Council, assuming that no officials voted? I have not the slightest notion of what the answer would be, and, of course, it is all necessarily provincial. But would there be any objection to our ascertaining from all your colleagues what your opinion is?

*U Aung Thin* : I have not the slightest doubt, sir, that if the motion is put to the Legislative Council it would be carried unanimously, or, if not, by a very large majority.

*Sra Shwe Ba* : So far as the Karens are concerned they are for separation.

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*U Ba Shin* : I am in entire agreement with what *U Aung Thin* has stated.

*Mr. Entsoof* : I am also of the same opinion.

*Mr. Campagnac* : I think such a resolution would be carried by a majority, and even those who oppose it would only want an amendment that there must be safeguards for the minorities in view of the separation.

*Mr. Rafi* : I think with safeguards it would be carried in the Council as at present constituted.

*U Ba U* : I also think so.

131. *The Chairman* : When you say with safeguards, what have you got in mind, *Mr. Rafi* ?

*Mr. Rafi* : With a provision for the safeguarding of the interests of the minorities.

132. *The Chairman* : I think it is very useful to have these views. As *Mr. Chari* said, this question was not the universal issue at the election. We understand that one of the parties made it a plank in its programme ; but the other parties did not make it a definite issue. Is your impression, *Mr. Chari*, very much different from these gentlemen ? Do you think yourself that it would be carried by vote of the Council ?—My difficulty is that this was not an issue at the time of the election. It may be carried in the Council.

133. You still doubt the real state of public opinion in the country ?—I greatly doubt.

## Afternoon.

### Deputation of Ladies.

The deputation consisted of :—

*Miss COOME DANTRA*, B.A. (Cantab.), Barrister-at-Law.

*Ma PWA HME*, Barrister-at-Law.

*Mrs. M. FRASER*.

*Dr. MA SAW SA*, F.R.C.S.I., D.P.H.

*Ma TEE TEE LUCE*.

*Daw MYA SHWE*, Deputy Inspector of Schools.

*Mrs. SEHERA JEEJEEBHOY*, Hon. Secretary of the Sarada Sadan Association.

*Mrs. MARTINUS*.

1. *The Chairman* : *Miss Coomee Dantra*, you are a Barrister-at-Law ?—(*Miss Dantra*) Yes.

2. Most of these ladies are Burmese ladies, are they not ?—Yes. We have tried to get as many Burmese ladies as possible. There are two Indian ladies with us, one English and one Anglo-Indian lady.

3. *Sir Hari Singh Gour* is specially interested in the subject and he may put a few questions. I would first like to know if you yourself, *Miss Coomee Dantra*, would like to tell the Conference as to the points to which the deputation wants specially to call our attention ?—I thank you, sir, if I may do so.

Gentlemen of the Joint Free Conference,  
We come before you not as representatives of any body or organisation of women, because our grievance is one which should and ought, in the first instance, be dealt with by the local Legislature, and consequently we organised no definite deputation before you ; but last night *Sir Hari Singh Gour* convinced me that this was an opportunity to stir up the lethargy of the local Council and to stimulate it to action by showing that we are in earnest, and that we do verily believe we have a real case to put before you as the final tribunal of appeal in this matter—and you have so kindly consented to give us a hearing, for which we offer our sincerest thanks. Since 1922, women have had the power to vote for members of the local Legislature on the same terms as men ; but for seven years we have been denied the right to choose one of our own sex to represent us, and this is the case in Burma, a country where women have taken an active part in public life for generations. In fact there are none of the obstacles in Burma which face women in India. We have no caste system, no *purdah*, we are not illiterate. On the contrary, we may own property and carry on business on the same footing as men, and there are

no personal disabilities attached to women in Burma except this one. In fact the Burmese woman is perhaps, if I may venture to say so, through no peculiar virtue of her own save only the necessity of making ends meet and running the home, more thrifty and industrious than the Burman. Yet, while in India most of the provinces have enfranchised women completely by allowing them to vote as well as to sit on the local Legislatures, yet in this province we are only partly enfranchised ; we are only allowed to vote for men to speak for us.

This, no doubt, they can do adequately in a good many cases, and far more adequately in some, but we submit, though humbly, that we have a contribution to make towards the welfare of social life. We are, by reason of our sex, more fitted to deal with certain problems of a social character—Housing, Health and Hygiene and Education of children. All these, it is recognised, have a direct bearing on the prosperity of the country and a very direct bearing on the vital problem of crime in Burma as one of our members, *Ma Tee Tee Luce*, could convince you had you time. But we will not trouble you with detail. Our main grievance is that we women in Burma must, and are willing to, shoulder our responsibility towards the next generation and the welfare of the State in general. As things stand at present we are denied our full contribution. We may choose others to speak for us ; we may not speak ourselves. We thank you, gentlemen, once more for your great courtesy and kindness in letting us come before you, and we are glad we have availed ourselves of the opportunity in the hope that something constructive may arise out of it by action of the local Legislature which is to sit in a very short time.

4. Perhaps it will be useful if I were to remind the Conference that so far as this question of women being qualified to be elected a member of the Council is concerned, the present electoral rules provide that if a resolution is passed by the Council, after not less than one month's notice has been given of intention to move such a resolution, recommending that the sex disqualification should be removed, the local Government may, with the consent of the Governor, make an order in this behalf providing that no woman shall be disqualified by reason only of her sex from being eligible for election as a member of the Council. Then the members of the Conference will remember that in the Government Memorandum, Part III, page 50, it is stated, "A resolution was moved on the 3rd February, 1927, to remove the

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[Continued.]

"sex disqualification for membership of the Council. "In Burma the disqualification may be removed by "order of the local Government made with the "consent of the Governor in pursuance of a resolution passed by the Council. The division of "opinion on the subject was on party lines." I do "not quite know what that means. "At the conclusion of the debate the Home Member opposed "the resolution on the grounds that Burmese women "are unacquainted with Western institutions; that "such an important constitutional change ought to "be deferred for consideration by the Statutory "Commission; that, though thousands of Burmese "women belong to Associations, not a single Association had requested the removal of the disability; "and that Buddhist monks would object to being "legislated for by women. The resolution was lost "by 45 votes (including the official vote) to 31."

Would you ladies tell us whether this was one of the subjects that was raised or discussed at the recent general elections? You had just had a general election in last November. Take the case of England. You know the political change in favour of women was a subject in election time. Of course, women voters constantly ask questions. Do you know whether that question has been raised?—Yes, it was discussed at the last elections.

5. Have you got a champion in the Legislative Council?—(Mrs. Jeejeebhoy) Yes, in Mr. Rafi.

6. It is difficult to see how a matter of this particular sort could be dealt with on party lines. Our experience in England, of course, is that these questions relating to women's political rights cut right across party questions for the most part. Do you think that there is one party that is solidly opposed to your wish?—I do not think so. The Government was against the resolution.

7. The Chairman: The 45 majority included the official vote. How many provinces are there in India where now women can be members of the Council? I know they can be in Madras because there is a lady there, Mrs. Muthulakshmi Reddi, and I think I am right in saying that there is at least one other province, the United Provinces.

Sir Hari Singh Gour: In the Central Provinces there is a lady member and I understand it is the case also in the Punjab.

8. Mr. Campagnac: So far as the Corporation of Rangoon is concerned there is no sex disqualification, is there?—No.

9. Only three ladies have come forward to stand for election, one Anglo-Indian and two European. One Anglo-Indian lady and one European lady were elected and no Burman lady has come forward?—Yes.

10. The Chairman: It looks as though even if the change were made the Legislative Council is not in any immediate danger of being swamped?—No. There is no danger of ousting the men.

Colonel Lane-Fox: I should think this is purely a matter for the Legislative Council to pass a resolution.

The Chairman: I quite agree with you, Colonel Lane-Fox, but I think the decision was deferred for consideration by the Statutory Commission.

11. U Ba Shin: I would address my question to Miss Dantra. Of course, I cannot presume that you know the customs and traditions of the Burmese people?—(Miss Dantra) I know that, in dealing with the Burmese people, the women are just as active as men. You see them in business, and also in the legal profession since the disqualification of women to practise at the Bar was removed. They are equally intelligent, if I may say so, and ready to take a share in the duties of citizenship.

12. What I mean by tradition is, you know that it is a kind of established practice in this land of pagodas that man is always regarded as lord and master?—(Ma Tee Tee Luce) It is not true, and you know that we have enjoyed the same freedom as you have enjoyed in our past history and past generations. We still enjoy the same, you know it

perfectly well. I think the only reason for denying us the right to enter the legislature is that we have not organised ourselves yet. We dislike being denied suffrage by our Burmese men; we do not wish to fight for it, we want to be welcomed by you.

13. Would I be expecting too much if I say that your interests would be better safeguarded if they are in the hands of men?—They are not. If you only give us a chance to work side by side with you, you will find that we work very well.

14. Am I to understand that it is not a question of distrust?—(Miss Dantra) Certainly it is not a question of distrust. We feel that we have our contribution to make and want to share the responsibility of citizenship. We think that there is a definite waste in any society in which the contribution which we are ready to offer is not accepted. As we are all individuals we cannot speak in any representative capacity, but I think that is our main point. We feel that there is something we can do by working with men if men will accept us, (Ma Tee Tee Luce) Especially in reducing crime in Burma.

15. Mr. Rafi: Is it not a fact that a large number of women carry on business in this country?—Yes.

16. They play an important part in the commercial life of this country?—That is so.

17. U Ba Shin: I put this question because you said that your cause is being championed by my Hon'ble friend, Mr. Rafi. Now take the case of Muhammadan ladies who have got the system of *purdah*. If I remember aright we were told by the Muhammadan deputation that at any cost they would not give up the old tradition.—We are not talking about Muhammadans, we are talking about the Burmese in Burma.

18. Is it not a fact that Muhammadan ladies in this province number over 20,000?—(Miss Dantra): I do not think that will affect the Legislative Council very much.

19. Mr. Rafi: Is it not a fact that Burma Moslem women do not observe *purdah*?—No, they do not.

20. U Ba Shin: Mrs. Jeejeebhoy, I think I am right in saying that your father is at present a member of the Legislative Council?—(Mrs. Jeejeebhoy) Yes.

21. Have you ever made an attempt to get your rights protected through his medium?—As you know, he got into the Council only recently; that is in last November.

22. Sir Hari Singh Gour: Supposing by a fortunate chance you are made eligible for membership to the Legislative Council, the experience of women in other parts of India has been that they have a poor chance of being returned to the Legislatures through a mixed electorate. One or two attempts have been made, but they have failed and therefore they are disheartened.

The Chairman: Not all.

23. Sir Hari Singh Gour: I think you have in mind Dr. Reddi, sir. She is a nominated member of the Madras Legislative Council. Mrs. Chatopadhyaya, a very distinguished lady and a very capable lady, stood for the Legislative Council, but she was defeated. The difficulty is that they have to go and canvass from door to door and carry on the work amongst men. I think it is also equally difficult for women in Burma. In that case do you not think that a certain percentage of seats should be reserved for women, or that women should be elected by any recognised Association?—We want both election and nomination. We want the same privileges as men have.

24. I am trying to show that you should be given the same privileges as men, because in course of time perhaps one of you will be appointed a minister, which will not be possible if you are only nominated members of the Legislative Council. Therefore, in order to remove the handicap which stands in the way of your getting returned to the Legislative Council through the open door in which men and women both scramble for a seat in the Legislative



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Council, do you not think it is necessary that at least for the next two elections, till women have gained experience in electioneering, a certain number of seats should be reserved for women?—(*Ma Tee Tee Luce*) It is a very good idea. (*Miss Dantra*) At present this is only an individual opinion. I do not think we can offer any view on this subject except as individuals. Once the door is open I want to have just the same space to enter through as men have. I do not ask that it should be wider for us. If we are to fight (I prefer not to call it fighting, but rather working together), we should fight with them on their own ground; we want a fair field and no favour. As I said, I do not think we can answer except as individuals because we represent no body of women. (*Mrs. Jeejeebhoy*) There is this point to be considered. We cannot compare Eastern nations with Western nations, because we are handicapped by very many social disadvantages. For that purpose we must have nomination as well as election.

25. *Dr. Suhrawardy*: Do you want separate representation for yourselves?—No.

26. *The Chairman*: There are three possible ways (I do not say that I am in favour of them) in which the thing might be done apart from the way which has been mentioned by the lady who wants to have a fair field and no favour. One way is to say that out of the total number of members in the councils so many places must be filled by women. That is a possible way; I do not say it is a good way. Another way is to say that there should be some seats which should be filled by women by nomination. Then there is yet another thing that you have to consider (I have heard it suggested elsewhere), the idea that the women voters should form a separate constituency and should themselves elect women to represent them. The objection to that as I think is very strong; it is the objection which was put just

now that a woman ought to try and take up her position as a citizen and ought not simply to represent one sex as it were in opposition to another sex; she ought to be a citizen and play a general part in the advancement of the country. I do not know whether any of these considerations are in your mind?—We want both election and nomination. Just as a certain number of seats are reserved for men by nomination a proportionate number of seats should be reserved for us.

27. *Mr. Rafi*: What you mean is that if you do not secure a sufficient number of seats through election it should be made up by nomination?—Yes.

28. *Sir Hari Singh Gour*: Supposing there were 100 seats in the Legislative Council what percentage of seats you think should be reserved for women?—It is very difficult to say that just now.

*The Chairman*: I doubt if the Conference will itself offer to make such detailed proposals.

29. *Sir Hari Singh Gour*: It has been said in the local council (and I am putting this question specially to the Burmese ladies) that the *pongyis* object to be ruled by women. Is it not a fact that in the whole history of Buddhism the nuns had a very considerable influence over your religion exactly in the same way as your monks?—(*Ma Tee Tee Luce*) I do not know about the nuns, but we have had past queens and women as individuals who have had great influence over the country, and we still have it.

*The Chairman*: We wish to thank you, ladies, very much indeed for coming and giving us this interesting information which we will very carefully consider. As has been pointed out by my colleague, Colonel Lane-Fox, the matter really is more a matter for the Legislative Council to pass a resolution than anything else. But at the same time it is undoubtedly a constitutional question which will receive our attention equally. Thank you very much.

## Memorandum submitted by the Burma Landowners' Association.

It is an undisputed fact that agriculture is the mainstay of this Province and the bulk of the population is engaged in agricultural pursuits of some kind or other. Of the total occupied areas in Burma more than half are under rice and receipts from land revenue are proportionately larger than receipts from all other sources. Despite this, Landowners in Burma, as a class, have not been given the recognition due to them by the Government; their opinion is not consulted and their advice seldom or never accepted.

To quote a few instances of the disabilities which land-owners and other agriculturists suffer: During the monsoons crops are frequently destroyed on account of floods, but it is understood that lack of funds prevented the Government from carrying out protective works. Then again the present depression in the Burma rice trade is due in a large measure to the imposition of a heavy export duty on rice. Mention must also be made of the increase in the demand of land revenue and other taxes. This Association also feels that the high rate of criminality in the Province is due to the existence of shops where drinks and drugs are sold and from which Government derives revenue. In the opinion of this Association, the financial disabilities above mentioned can be overcome by the expedient of allocating to Burma all revenues obtained from Burma so as to enable the Province to pay its own way for improvement and development in various directions.

Another matter which the Association is very much concerned about is the need for the preservation and improvement of cattle for agricultural purposes.

It will be years before machinery can be introduced for agricultural purposes and to safeguard agriculture adequate steps are needed to close down slaughter-houses. Then again attempts have been made in the past by the Local Government to introduce legislation as between the landlords and the tenants, and though such attempts did not materialise owing to public agitation, it is to the interest of all concerned that measures such as these should not be initiated by the Government at all. The Association also views with concern the action of the Local Government playing the part of landlords, and wishes to urge that about 25 acres of waste lands be given to each individual agriculturist for agricultural purposes conferring the right of ownership after twelve years' continuous possession.

The Association therefore begs to request that in order to enable the Burma Landowners to carry out the above and similar projects, to safeguard the interests of agriculturists and to assist the Government in matters relating to the land and allied subjects, at least two members elected by the Land-owners be given seats in the Burma Legislature.

Finally, this Association begs to request that Burma be immediately separated from India and that the form of Constitution granted to Burma should be *in advance* of India considering that Burma is a country inhabited by one race of people professing one religion, Buddhism, and speaking one language, Burmese. Moreover, it is the only Province in India which has worked the Reforms most successfully.

## Sir PO THA, Kt., C.I.E., O.B.E., representing the Burma Landowners' Association.

30. *The Chairman*: We are very glad to see you. The Conference has received and read the memorandum of the Burma Landowners' Association. We all realise that it is an important document because agriculture is the mainstay of the province. We have many Memoranda which we have carefully studied, even though we do not have a witness about each of them; but we are very glad to have the opportunity of hearing you to-day. Do you consider that the landowners of Burma should have special representation in the council?—Yes; in order to enable us to say what we want to say we require at least two members in the Legislative Council.

31. What would be the qualification of the landowners who elect them?—We want the Landowners' Association to elect the members for the Council.

32. The Landowners' Association should select the members?—Yes; the Landowners' Association desires to elect its own members for the council.

33. How many members are there in the Landowners' Association, and what is the qualification of being a member?—There are about 700 to 800 members. Every landowner possessing a certain amount of land is eligible for a membership.

34. What is the size of the land he should possess?—From 300 acres upwards.

35. *The Chairman*: Are there members of the council now who are landowners?

*U Ba U*: There is a large number of them in the present council nominated by the Government.

36. *Mr. Rafi*: If there are any landowners in the present council would you still want separate representation for your Association?—Yes.

37. Do you consider that the present landowners are not fitted to voice the sentiments of the general body of landowners of this country?—I do not think so.

38. *U Ba U*: Are you very much concerned with the agrarian Bill introduced by the Government?—Yes.

39. You have represented the matter to the local Government?—Yes. In times of flood we have told the Government our needs, but their reply was that they had no funds.

40. *Sir Arthur Froom*: Is the position this, that the more important and wealthy landowners dislike the idea of going through a general election with the bother and turmoil of a general election?—Yes, it is so.

41. *Sir Hari Singh Gour*: When was the Landowners' Association formed?—Two months before the arrival of this Commission.

42. Have you got any rules?—The rules are being prepared.

43. The Association has not yet been fully formed?—The Association has been formed and it only requires to be registered.

44. Would you give the same privilege that you want for your Association to the payers of income-tax, that is, special representation in the council?—We are not concerned with income-tax payers.

45. Have you got any landowners in the present council?—I have not paid attention to it.

46. Supposing you have landowners in the council, would you still press for separate representation?—We still require to have two representatives from our Association, because the landowners who are now members of the council may not represent us fully.

47. *The Chairman*: I understand that in the first council there were three members who were landowners; in the second council there were eight members who were landowners, and I have got a list here of the members of the new council, and I am told that eleven of them are landowners and there is one

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nominated member, U Kyi Myint?—He has not got much land; he is a friend of mine.

48. *The Chairman*: All the members of the Conference very much appreciate your kindness in coming here to tell us your views which we shall very carefully consider.

*The Witness*: I wish to say one thing more. On two occasions Government tried to introduce legislation as between landlord and tenant. I only hope that in future such legislation would not be introduced by the Government. We also want Government not to increase the revenue as it has done in the past every five or six years. Whenever

we had approached the Government in the past with a request for improvement in agriculture we were faced with the reply that the Government had no funds. That is due to the fact that a large sum of money has to be sent away to India. We hope that the money from Burma will be spent in Burma alone. The price of rice in Burma has fallen due mainly to the export duty. We want this export duty to be removed. In Burma we are of one race and one religion, Buddhism. In India there are different races. We therefore wish Burma to be separated from India, and Burma should get a constitution better than that of India.

## Memorandum submitted by the Shan Sawbwas.

Under Burmese rule the Sawbwas of the Shan, but not the minor Shan chiefs, ranked as Kings in subordinate alliance to the Burmese King (or Emperor), and this fact is admitted not only by surviving scholars of the Mandalay Palace, like the Wetnasut Wundaukin and His Holiness the Thathanabaing, but also by English authorities—thus Mr. C. E. Harvey, I.C.S., at page 270 of his "History of Burma" writes of an episode dated 1785 that "Shan chiefs, being royalty, took orders from the Crown alone." They alone could use white Umbrellas, wear Crowns, sit on Thrones, and dwell in Palaces; they took precedence of all Ministers and if in wartime they led their levies in person, they could not be given orders by the Burmese Commander-in-Chief unless he were a prince of the blood.

2. During the annexation of Upper Burma in 1886, in the first negotiations with the Sawbwas, the British were inclined to treat them as sovereigns; thus, in the Memorandum of a Conference between the Sawbwa of Hsipaw, the Chief Commissioner of Burma and the Chief Secretary, 4th February, 1887 (attached), the Chief Commissioner accepted the Sawbwa's contentions that he should be a king in subordinate alliance to the Queen Empress, and that a treaty should be made between him and the British Government.

3. Finally, other counsels prevailed, the Shan States were incorporated in British India, and the Sawbwas became British subjects. At this time of day it is no longer practicable for us to contest this decision, and although we regret it we are proud to be even humble subjects of His Most Gracious Majesty the King-Emperor. But the Montagu-Chelmsford Report, Section 310, refers to us under the head "Native States." In the eyes of our people we are still kings and they look to us to preserve all that they hold dear from the past, nor can we fulfil this duty if we are treated as mere salaried officials.

4. In mediæval times we overran and gave kings to Burma, and though, after the conquests of the great Burmese King, Hanthawaddy Hsinbyumyashin, in 1560, positions were reversed, and the king of Burma became our overlord, we were never ruled by the Burmese people.

5. Therefore we were excluded from the Reform Scheme in 1922. But, although we are not aware that our affairs have ever been laid before the Legislative Council of Burma, we have reason to believe that they have at times been dealt with by the Burmese Ministers and the Home Member.

6. While recognising the good qualities of officers of the surrounding races, of officers of mixed blood, and of promoted subordinates, we prefer Englishmen.

7. The constitution of the Federated Shan States, framed in 1922, was complete before we were formally consulted and we had to assent to it in a single meeting with Sir Reginald Craddock at Taunggyi. Nevertheless we gratefully accept it as a good constitution provided it is worked in the right spirit. But it cannot be worked in the right spirit unless it is interpreted by officers who know our customs. Officers who, before coming to us, have spent a lifetime under regular administration in Burma, come to us with preconceived ideas and it is difficult for them to appreciate our system, which is entirely different. Consequently in recent years instructions have issued which make our position difficult in the eyes of our people, and such instructions could not have been issued by officers well acquainted with our ways.

8. The Customary Law is especially difficult. Under our sanads we are required to rule "according to the custom of the country" and section 11 (2) of the Burma Law Act declares that "the law to be administered in a Shan State shall be the customary law of the State in so far as that law is in accordance with justice, equity, and good conscience, and in so

far as the punishment which may be awarded thereunder, or the practices which are permitted thereby, are in conformity with the spirit of the law in force in the rest of British India. "Now under the Customary Law we have for countless centuries wielded powers of life and death, and under British rule we have always done so, our sentences being subject to revision by the Superintendent. The Customary Law, however, does not apply to British Indian Subjects who are not natives of the Shan States, and in order to try these for major offences we were made Additional Sessions Judges. But for every one homicide we try as Additional Sessions Judges, we try ten as Sawbwas under the Customary Law. Yet before the Simon Commission on the 31st of January, a witness, apparently Mr. Anderson, who was for a year our Commissioner, when asked whether Sawbwas have power of life and death, is reported as answering "The Sawbwa sat as Session Judge and an appeal lay to the Government of Burma." So ingrained in Englishmen living under regular administration is the idea that everything is done under their own law, that the witness saw things the wrong way round, not realising that our power is primarily the ancient Customary Law, which existed long before your codes and is still in force, and we were made English Judges only for a secondary purpose as an afterthought.

9. The witness also spoke as if legislation was effected by the Local Government under the Burma Laws Act applying Indian and Burmese enactments to the Shan States, the Sawbwas forming a purely Advisory Council and having no legislative power whatever. This is true only as far as it goes. None of us indeed have power to legislate outside his own State, but under the Customary Law of each State, which has been guaranteed to us by the British Government, we have, each in his own State, what is nothing less than legislative power, for custom has never been stationary, in every age it has changed to meet the changing times, and it was the Chief, acting as the mouthpiece of his people, who declared the change. It is a limited power, for what we promulgate must not be contrary to the spirit of British Indian Law, and we are subject to the guidance of a Superintendent, who sees that this condition is observed; but it is none-the-less legislative power. All past Superintendents in succession have recognised this fact, and they actually used to use the word "legislation" in approving the orders we issued.

10. The Customary Law is superior to British Indian Law in that it is suited to our people who evolved it. It preserves the social system and the Buddhist Church: in Burma there is no king and consequently there is no authority with power to discipline the clergy, and so religion has become disorderly, but with us Shans each Sawbwa is Head of the Church in his State and unfrocks them, so that morality is maintained. The Customary Law preserves local initiative as anything can be done till it is forbidden by a Superintendent. British Indian Law destroys local initiative, as nothing can be done until an Act has been passed to cover it.

11. We therefore wish respectfully to protest against the recent tendency to belittle the Customary Law as antiquated and obsolete, and to deny us all legislative power, nor can we accept the statement at page 2 of the official report on the Federated Shan States for the year 1923-24, that the Customary Law is "the mere will or whim of the Chief." A Chief who acted according to his mere will or whim was no true Chief, he was despised by his brother Chiefs and his people rose against him. The Customary Law was something far greater than his individual will—it was the good custom of old times, modified by the wise elders to suit the present, and the part of Chief, acting on the advice of his Ministers, was only to promulgate and enforce it.

12. Again, high English officials often complain

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SAWBWAS FROM SHAN STATES.

[Continued.]

that the Customary Law is unwritten and has never been codified. Has the Common Law of England ever been codified? Customs change and can not be fixed in a code. The 1921 Census of India, Imperial Tables X and XIII, pages 134 and 202, of Burma volume X part II, shows that the Federated Shan States contain some thirty different races speaking some thirty languages, and most of them can neither read nor write. Yet each has its own Customary Law well understood by the people themselves. Customary Laws are strange to newcomers, and take long to learn; many of us Chiefs, even, know no English and are slow to answer when questioned by high officials, and that is why we pray that our English officers may be sent to us young and spend their whole lives among us.

13. Our present discontents are partly due to the changes imposed on us by new officers who do not know our ways, whereas Sir George Scott and Mr. G. C. B. Stirling, C.I.E., each served a lifetime among us, and Mr. H. A. Thornton, C.I.E., spent 15 years in the Northern Shan States alone.

14. In conclusion, we pray that His Majesty may be graciously pleased to rule:

- (1) that our status as Hereditary Ruling Princes, although British Subjects, be confirmed.
- (2) that the validity of the Customary Law of each State be confirmed, together with the power of a chief, always of course, under guidance, to change it, provided that such change is not contrary to the spirit of British Indian Law.
- (3) that we may never be put under Burmans or Indians, or be subjected to any Reform Government, but that we shall always be directly under the English Head of the Province without any Asiatic intermediaries.
- (4) that the English officers in charge of us shall always be English gentlemen from England who, after a few years training in Burmah

shall be sent at an early age to spend their lives among us, as senior officers who have already spent the greater part of their service in Burma cannot understand our Laws and Customs.

- (5) that our political relations with the Head of the Province should be through the medium of the two Superintendents, as it used to be in pre-Federation days, and their Assistants should be as few as possible and only in the capacity of advisers.

## ANNEXURE A.

## SHORT NOTE ON THE MEMORANDUM.

It has been the declared policy of Government to preserve the traditions and customs and to maintain the dignity of the Chiefs, and also to conserve the special powers, rights and privileges which they have enjoyed in the past.

His Excellency the Marquis of Dufferin and Ava, the Viceroy and Governor-General of India, in his speech in reply to an address from the Shan Community said that the British Government was fully determined to respect the independence of the Chiefs, to abstain from all interference with their internal affairs and to maintain the friendly relations which existed between them and the late Burmese Government.

The Chiefs appreciate the efforts of the British Government to carry out the policy as above indicated. In loyalty they are second to none and have every desire to co-operate with the Government in their endeavours.

They wish, however, to point out that the present institution and scheme of Government places them in a very subordinate position in the eyes of their subjects and their independence curtailed as every action of theirs which is prompted for the good of their people is liable to be vetoed by Government.

## Summary of views expressed by the Deputation of Sawbwas from the Shan States.

Present:—

Saw ON KYA, Sawbwa of Hsipaw (Spokesman).  
Saw KIN MAUNG.  
Saw SHWE THAIK.  
Hkien PAN SING.  
Saw MYA.

1. The Chairman explained that Mr. Thornton had given many Members of the Conference present a good deal of information about the Shan States.

2. Saw On Kya, first correcting the evidence of Mr. Anderson (printed in Vol XV) explained that the Sawbwas as honorary sessions judges have power of life and death when administering customary law among their own people, subject to a first appeal to the Superintendent and a second to the Commissioner, but when the accused person is not a subject of the Sawbwas, e.g. a British Indian, the procedure of the Criminal Procedure Code is followed, and there is an appeal to the Governor as the High Court. The very small Chiefs are not honorary sessions judges, but merely try petty cases. Murders are rare in the Shan States. The last return for the States is for 1923-24, and gives only offences reported without attempting to distinguish true cases. In that year the number of offences dealt with by the Federated Shan Police (Government Police) was 672 in the Northern and

1,027 in the Southern Shan States. The total dealt with by the State Police was 590 and 807 respectively, a grand total of 3,102 offences in a population of 1,500,000, which is not large. "Violent crimes" which include murders, dacoities, etc., are 672. There are Magistrates in the States on pay of from Rs125 to Rs600.

3. The Chairman recapitulated Mr. Anderson's evidence to the effect that any law of Upper Burma can be extended to the Shan States by order of the Governor, with the approval of the Governor-General in Council, and that though the Shan States Council has no legislative power, the Sawbwas are summoned and take part in discussions. Saw On Kya agreed that the position is that inside his own State a Sawbwa may declare what the customary law is and does so after consulting the Ministers and headmen; and that such law changes as it had in Baluchistan where a large jirga had recently changed the system by which it had been sufficient for a husband to declare his wife unfaithful to prove her unchastity. The Sawbwas have jurisdiction in matrimonial disputes, which are settled on a money basis; the Chief of each State lays down the customary law relating to tenants and cultivation for his own State.

4. The Federated Police are restricted to the railway line and the mining centre of Nongto. The State Police are organised under a Superintendent

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SAWBWAS FROM SHAN STATES.

[Continued.]

and Minister and police the whole interior. The villages are formed into circles, and there are both circle headmen and village headmen. There are four constituent States in Hsipaw. They are consulted as well as the headmen on matters of importance.

5. At present there is one Commissioner who is the High Court in the Northern States and Superintendent and Political Officer in the Southern States, and three Assistant Superintendents. The Sawbwas want British Officers, but fewer and better than at present. (This in answer to Lord Burnham's question whether they did not ask for the same sort of personnel as at present). The old arrangement of having separate Superintendents for the Northern and Southern States and no Assistant Superintendents was better. The Assistant Superintendents are too apt to interfere. The Superintendents should be posted young to the States and remain there, as men posted from Burma want to follow the codes.

6. The constitution of the Federated States can be found in the Shan States Manual. The general wish of the States was to remain outside the jurisdiction of the Legislative Council. The States should be consulted before any law of Upper Burma is applied to them. The Council at present meets once a year at Taunggyi for a week or ten days; 18 to 20 Chiefs and 3 British officials being invited to it, the Commissioner presiding. At present the Sawbwas attend merely in an advisory capacity, which is unsatisfactory to them. They may say they want a school, and the Commissioner says then there are no funds for it.

7. As to finance, the Federation gets 6½ lakhs a year from Burma. The money was allocated to the States when the Federation was formed without consulting the States, and the States could quite

well do without it. It would not be required if the Government of Burma did not insist on placing in the States an unnecessary number of officials.

8. The States pay up to 50 per cent. of their revenue to the Federation, the poorer States paying a smaller proportion than 50 per cent. The Federation pays 5 per cent. of its whole revenues, or 2 per cent. of the mineral royalties, whichever is greater, to the Burma Government. The four main sources of the Federation's revenue are in order:

1. Contributions from constituent States.
2. Forest.
3. Burma contribution.
4. Mines and minerals (almost the whole from one mine in 1923-24).

The smallest State has a revenue of Rs1,848 a year. The Chief's allowance is shown in the budget. The maximum has been fixed at 25 per cent. for the Southern and 15 per cent. for the Northern States, but no Chief gets as much as this. The actuals vary from Rs8,000 to Rs34 a month.

9. Under customary law the eldest son succeeds a Chief, if fit and suitable. In some cases the Governor-General and in some the Governor has to approve the succession. The people are contented with the rule of the Chiefs.

10. The Federation is on trial for ten years, and is due for revision in 1932, and the Chiefs are forming a committee to inquire into reform.

The Federation controls education, public health and police. There is a school for Shan States Chiefs, and Rs.67,000 were spent on it in 1923-24. The total outlay on education in that year was Rs3,55,000, or over 9 per cent. of the total expenditure, a very good percentage.

## Memorandum submitted on behalf of the Anglo-Indian, Anglo-Burman and Domiciled European Community of Burma.

(This Memorandum has been prepared by the Council of the Anglo-Indian and Domiciled European Association, Burma, and by the Council of the Anglo-Indian and Domiciled European Federation, Burma, and approved at a general meeting of the Community, convened by C. H. Campagnac, Esq., M.L.C. (Burma), elected by the Anglo-Indian constituency.)

### THE COMMUNITY ON WHOSE BEHALF THE MEMORANDUM IS SUBMITTED.

The term Anglo-Indian is ambiguous, as it has been used synonymously with the word "Eurasian" to denote a person of mixed European and Indian (or Burmese) descent, and also, loosely, to designate a person of pure European birth who, through the exigencies of his business, professional or official, occupation, is obliged to spend most of the active years of his life in India or Burma. Still further complications are introduced into the connotation of the term Anglo-Indian by reason of certain restricted but officially recognised senses in which the word is employed in the Criminal Procedure Code and for electoral purposes. Together with the loose, popular meaning of the term we may ignore all political and legal implications that the word Anglo-Indian may convey. For the purpose of this Memorandum the broadest use of the term, which is ethnological, will suffice, and by an Anglo-Indian will be meant any person of mixed European and Indian (or Burmese) descent whether of legitimate parentage or not and whether the European strain be derived from the paternal or the maternal side. Inseparably associated with the Anglo-Indian cause is that of the Domiciled Europeans many of whom, though of undiluted European descent, have never been west of Suez, and in voicing the claims of the Anglo-Indian Community it is always to be understood that the Domiciled Europeans are deemed to be an integral part of it.

Though comparatively small in numbers, the Anglo-Indian Community is now a factor to be reckoned with and each census shows increase in numerical strength. It is true (indeed it is inevitable) with a race the members of which are of mixed Eastern and Western descent in infinitely varying proportions that those at the European end of the graduated scale should tend to merge into and be absorbed beyond all trace by the dominant white race from which no distinguishable line separates them. This is especially so in these days of increased facilities for travel and communication when so many Anglo-Indian children of the more fortunate classes receive their whole school and university training in England. It is not equally true that those at the Indian end of the scale tend to be assimilated in like manner by races of pure Indian nurture. In accounting for this, we touch on the vital point upon which rests the strongest claims of Community to recognition as an independent body, namely, that Anglo-Indians, if we ignore such accidentals, which are of no psychological or political value, as slight differences in the pigmentation of the skin and a certain provincialism of accent from which after all even the various Counties of England are not exempt, are a wholly Western race in all that goes to constitute the *ethos* of a people, that is, in religion, speech, customs, ethical and aesthetic ideals, and mode of life, dress, habitation and deportment. Though there are gradations in colour amongst Anglo-Indians, yet from the darkest to the fairest they are one with those of pure British culture in their outlook on life, the literature on which their minds are fed, the sports in which they indulge and in the British traditions of which they are proud and which they ever strive to maintain. To whatever category an Anglo-Indian may belong in an ethnological classification, he is psychologically speaking a white man—not nearly so, but entirely so, and in face of a paradox this is true no matter to what degree he may be coloured.

Apart from the above-indicated solidarity which characterises the Community, a claim for special recognition and representation is advanced on the grounds that unlike all other communities whose permanent domicile is India, the Anglo-Indian community is entirely literate, and it has no depressed lower classes which form so conspicuous a part of all the indigenous races. As small and severely handicapped as the Community is, its members are engaged in a surprising variety of skilled occupations and trades throughout the country. A large proportion of the Government appointments in such services as the Judicial, the Telegraph, the Police, Customs and Excise are held by Anglo-Indians. The Anglo-Indian employees are the mainstay of the Railways. In the large business firms and banks, the responsible clerical staff is usually Anglo-Indian. And to come to activities in more responsible fields, we find Anglo-Indians holding important administrative posts and satisfactorily filling the position of Heads of Departments, proving to be efficient barristers, doctors and engineers, and where so fortunately placed as to be given the necessary start, building up great business in the industrial world.

### THE FRANCHISE.

We are of opinion that the basis of the present franchise is far too wide for a country in which a democratic form of Government has only been in existence for a few years. We think that no person should be entitled to a vote unless he is literate in his own mother tongue and either born in Burma or has at any period been continuously resident in Burma for a term of not less than five years. An exception to the residential qualification which we have advocated should be made in the case of Government or quasi-Government servants, who are liable to be transferred from one Province to another. This rule would not in any way affect elections of the Anglo-Indian constituency, but in view of the fact that Anglo-Indians are entitled to stand as candidates for general constituencies it is a matter of some interest to the Community.

In Burma there is a large floating population of Indian labourers who come to Burma seasonally as reapers and as labourers in Mills and Factories. This section of the Indian population is for the most part illiterate and has no political or other interest in Burma. These people vote as ordered by their "Maistries," i.e., their supervisors, who have taken a contract for supplying labour.

Their votes can be obtained by the highest bidder, and obviously there must be a number of cases of impersonation which it is difficult or impossible to detect as the only persons who can identify such voters are the Maistries. We believe that if the franchise was narrowed in the way which we have suggested, it would result in eliminating these votes.

### REPRESENTATION ON THE BURMA LEGISLATIVE COUNCIL.

In view of the fact that the Community is entirely literate and in view of the important part played by the Community in the life of the Province, we would urge that at least four seats be reserved for the Community in the local Legislative Council.

There should be two seats for Rangoon, and one each for Lower Burma and Upper Burma. It is hardly possible for one member to keep in touch with the needs of the community throughout the whole Province or to keep in touch with the whole of the electorate.

In view of the important part played by women in the life of this Province, we would urge that women be allowed to stand as candidates for the Legislative Council.

### CENTRAL REPRESENTATION.

We would urge that so long as Burma remains a

ANGLO-INDIAN, ANGLO-BURMAN AND DOMICILED  
EUROPEAN COMMUNITY.

[Continued.]

Province of India, the Anglo-Indian Community in the Province should be allowed to elect a representative to the Legislative Assembly. At present there is only one nominated representative of the Community to represent the whole of India and Burma. In the event of the Community in Burma deciding to urge for the separation of Burma from India we can conceive that it might be difficult for a member residing in India to support their claims as Anglo-Indians domiciled in India might be opposed to it. We cite this as an example to show the necessity of the Community in Burma being allowed to have its own representative on the Assembly.

REPRESENTATION ON LOCAL SELF-GOVERNING  
BODIES.

At the present time, the Community is not given any separate representation on the Corporation of Rangoon. It has to take its chance in a combined electorate of Europeans, Jews, Armenians, and Parsis. In view of the important part played by members of the Community on the old Municipal Committee, and on the Corporation of Rangoon, we feel that in addition to the present representation at least one seat should be reserved on the Corporation for the Community, to be filled either by election or nomination. We would further urge that representation should be secured to the Community on the Committees of the Rangoon Development Trust, the University Council, Burma Railways Advisory Board, Port Commissioners, and any other local bodies which may hereafter be formed. Similarly, representation should be secured to the Community on the Municipal Committees of Moulmein, Bassein, Mandalay, Akyab, Tavoy and Insein.

MINISTERS.

We are of opinion that it is not possible for two Ministers to supervise effectively and direct the policy of Transferred Subjects. We would, therefore urge that provision should be made in the Constitution for the appointment of at least four Ministers to be in charge of the following portfolios :—

- (1) Minister responsible for Education, Commerce and Industries;
- (2) Minister responsible for Forests and Communications;
- (3) Minister responsible for Public Health;
- (4) Minister responsible for Local Self-Government and Excise.

We would urge that out of the four ministers appointed, one of them should be elected to be the Minister-in-Chief by the elected members of the Legislative Council. This would ensure the joint responsibility of the Ministers which we consider to be essential for the good government of the country.

EXECUTIVE AND JUDICIARY.

We think that the time has come when the Executive and Judicial services should be separated. It is absolutely essential if the integrity of the Empire is to be maintained that the people of the country should have absolute confidence in the impartiality of Judicial Officers. It is impossible for them to have this confidence when the same officer is called upon to discharge both judicial and executive duties. We think that all Judicial appointments in the Province should be made by the Head of the Judiciary and that the executive should not have any voice in the making of such appointments. Further, we are of opinion that the Chief Justice and the Judges of the High Court should be appointed by the Judicial Committee of the Privy Council in consultation with the Judges of the High Court.

IMMIGRATION ACT.

We consider that an Immigration Act should be passed prohibiting undesirable aliens from entering

the Province. We would draw attention to the fact that there has been a large invasion of Chinese undesirables into the Province. A large percentage of Chinamen coming to Burma earn their livelihood by smuggling and keeping gaming houses and opium, cocaine and morphia dens. There is not the slightest doubt that the presence of these foreigners in Burma has had and is having a very pernicious effect on the people of the country.

SEPARATION FROM INDIA.

We are of opinion that Burma would be better off and have a greater opportunity of developing her resources if the Province was separated from India. For this reason, we would urge that a Committee of Enquiry be immediately appointed to enquire and report on the financial relations between India and Burma with a view to bringing about separation at an early date.

EDUCATION.

We attach the very greatest importance to this subject. We are of opinion that the whole system of education in English Schools should be overhauled and brought up to date. With the opening of the University and the large number of Burmese and Indian students who are graduating every year, it is becoming increasingly difficult for the Community to find suitable avenues of employment.

The great majority of the members of the Community are too poor to be able to provide their children with a University Education. It is for this reason in the past the majority of the Community had to be content to find employment in Government Offices and in the Railway and Telegraph Departments. Formerly a lad who had passed his Middle School found no difficulty in obtaining employment. Now, however, it is almost impossible for a lad to obtain any kind of employment, unless he has passed the High School Final Examination, and even then he can only generally secure employment in a very limited sphere. Under these circumstances, it is obvious that the Community must seek for other channels of employment, but unfortunately the present education imparted in the English Schools is not calculated to fit them for employment except in the capacity of clerks.

The only subjects taught in these schools are English, Mathematics, History, Geography and one second language. There is hardly any opportunity for pupils to study subjects such as Physics, Chemistry, and other Sciences, Civics, Economics and Political Economy.

We would, therefore, respectfully request that this Commission do recommend to Parliament to appoint an Expert Educationalist from England to inquire into the present system of English Education in this Province, and to make recommendations which will be binding on the Government of Burma for the improvement of Education in English Schools on the most modern lines and to introduce commercial education into these schools.

SHOULD EDUCATION IN BURMA BE MADE A  
RESERVED SUBJECT.

This question has caused us considerable anxiety. We have discussed the matter very thoroughly, and we have had the advantage of the advice of three Educational experts in the Province. In answering this question, it is necessary for us to try and forecast the future. We have had to consider whether there is any likelihood of the grants-in-aid of English Schools being cut in the local Legislative Council during the coming decade. The experts whom we have consulted have expressed the opinion that there is no likelihood of there being any reduction in grants during the next ten years. We presume that they have based their opinions on the fact that during the five and a half years the Reforms have been in existence in Burma, no attempt has been



ANGLO-INDIAN, ANGLO-BURMAN AND DOMICILED  
EUROPEAN COMMUNITY.

[Continued.]

made to cut the grants in the local Legislative Council.

On the whole, we are of opinion that we are not in a position, having regard to the advice given to us, as well as to the fact that there has been no reduction in the grants to English Schools in Burma, to urge that English education should be made a Provincial Reserved Subject.

At the same time, we feel it our bounden duty to urge that the Constitution should provide some safeguards for the Community and that in the event of any attempt being made to reduce the grants or to abolish these schools that the Governor of the Province should be empowered to restore the grant out of Provincial revenues, or that the money be provided out of either Central or Imperial revenues.

We claim that the British nation which was directly responsible for bringing this Community into existence is morally bound to see that these schools are maintained to enable the Community to preserve its racial culture and religious beliefs, and to live up to the traditions of its forefathers. The Community must in justice be enabled to receive an education which will enable its members to fit themselves for employment in the Province of their domicile or birth, and we submit that it would be a great blot on British administration if this Community was allowed to be submerged by the torrent of Reforms which threaten to sweep over the country.

SHOULD ENGLISH EDUCATION BE MADE A  
CENTRAL RESERVED SUBJECT?

We are aware that a Conference in Calcutta has passed a resolution that the Community in India should ask that English Education be made a Central Reserved Subject. In view of the fact that substantial reductions have been made by all the Provincial Councils of India in grants to English Schools, we are not surprised that the Community in India should desire that English Education be made a Central Reserved Subject.

In Burma, however, the position is different, and there has been no cutting down of grants to English Schools. Even, however, had there been any reduction in the grants, we would have urged that Education be made a Provincial Reserved Subject rather than a Central Reserved Subject. The Government of India has in the past regarded Burma as a sort of backwater of Empire and has persistently overlooked and neglected the claims made from time to time by the Government of Burma. We feel that if English Education in Burma was made a Central Reserved Subject, there would be grave danger of the needs of the Community in this Province being overlooked. Further, conditions in Burma are entirely different from India. In Burma we have a residential and up-to-date university and the standard of education required for admission to the University is higher than that required for entrance to Indian Universities. We are advised that if the Indian standard of Education in English Schools was introduced into Burma, a pupil after leaving school would have to study for one or two years before he could qualify for admission to the University of Rangoon. Under these circumstances, so far as Burma is concerned, we are definitely against English Education being made a Central Reserved Subject.

THE EFFECT OF THE REMOVAL OF THE 10 PER CENT.  
RESTRICTION OF NON-EUROPEAN CHILDREN TO  
ENGLISH SCHOOLS.

Before the introduction of the Reforms, the Managers of English Schools were prohibited from admitting more than 10 per cent. of Non-European children into these schools. Since the introduction of the Reforms, this 10 per cent. restriction has been abolished, and now it is left to the discretion of the Principals of the Schools to admit any number of Non-European children, provided they are satisfied

that such children have a sufficient knowledge of English to be able to follow the school curriculum.

The result of the removal of the 10 per cent. restriction has been to increase the percentage of Non-European children in English Schools to about 30 per cent. According to the last quinquennial report, it appears that the result of admitting such a large percentage of Non-European children into schools has been to lower the standard of education, as children whose mother tongue is English have to be kept back owing to the inability of the Non-European children to follow the courses of instruction.

We feel that if the percentage of Non-European children in English Schools is not restricted, there is very grave danger of the character of these schools being entirely changed, and that the schools will cease to be attractive or useful either to English or Asiatic pupils. The reason why the parents of Non-European children desire to send their children to English Schools is because they wish them to obtain a thorough grounding in English and to learn the English modes of life and customs.

There is also the religious aspect to be considered, and most parents feel concerned that their children may be prejudicially influenced by coming into contact with a large number of children of other religions.

INSPECTORS OF ENGLISH SCHOOLS.

Another feature which has contributed towards the lowering of the standard of European education has been the abolition of the Inspectorship of English Schools. We believe that this is the only Province in which there is no special Inspector for English Schools. The post was abolished against the advice of the Education Department of this Province. We would urge as strongly as we can that this post should be recreated immediately. In fact we feel that in Burma two special Inspectors should be appointed for the inspection and guidance of English Schools.

ANGLO-INDIAN TEACHERS.

There has always been a great demand for Anglo-Indian teachers, both men and women in English and Anglo-Vernacular Schools. The last Quinquennial Report points out that it is very difficult at the present time to secure men teachers for these schools. The reason is obvious. Men with University Degrees find it more advantageous to obtain employment in the various Civil Services where the scale of pay and chances of promotion are much greater than in the Education Department. We would, therefore, urge the necessity of increasing the pay and prospects of teachers in English and Anglo-Vernacular Schools, and that pressure be brought on aided schools to similarly raise the pay of teachers in their schools. We do not think it possible for aided schools to increase the present pay, unless there is a proportionate increase in the grants given by Government.

Further, we think encouragement should be given to Anglo-Indian teachers by reserving a certain percentage of posts for them in the superior service and also by appointing them to Inspectors and Inspectresses of schools. We would also point out that it is impossible for a teacher who does not hold an English Diploma in teaching to be appointed as a Headmaster of a School. We know of an instance in which a teacher who had officiated in a Government school for a number of years as Headmistress was informed when she applied to be appointed permanently to the post, that owing to the fact that she did not possess an English Diploma she was not eligible for confirmation.

BURMESE A VERNACULAR SUBJECT.

We wish to draw attention to the fact that since the introduction of the Reforms, Burmese has been made a compulsory subject in European Schools. While we admit that it is desirable that Anglo-

## INDIAN POLICE ASSOCIATION, BURMA BRANCH.

Indians in this Province should have a knowledge of the Vernacular, we are of opinion that the standard of Burmese which has been prescribed in these schools is so high as to make it extremely difficult for Anglo-Indian lads to pass the examination. All that should be required is that an Anglo-Indian lad should have a colloquial knowledge of the Burmese language, as there are no Burmese Text Books in scientific or literary subjects. In the English High School, Maymyo, 1927, there were 14 failures out of 30 in the High School Final. Out of 14, 13 were Anglo-Indians who failed in the Vernacular paper. Further, we would urge that Burmese should be taught from the first standard, and not, as is at present, the case only from the fourth standard.

PRIMARY EDUCATION FOR CHILDREN OF THE  
ANGLO-INDIAN AND DOMICILED COMMUNITY  
SHOULD BE MADE FREE AND COMPULSORY.

We would urge that Primary Education should be made compulsory and free, and in doing so we would draw attention to the fact that Burmese Legislators have urged that Primary Education in Vernacular Schools should be made free. So far as Burmans are concerned every Burmese boy can obtain free education through the medium of Buddhist Monasteries. There are no such facilities for children of European descent. Quite a number of these children are deserted by their European fathers, and we consider it to be a blot on British Administration that such children, who in many cases are by appearance Europeans, should be going about the country without education and practically living as Burmans. It is not surprising that many such children should add to the criminal classes of this Province. We can conceive of nothing more likely to lower British prestige in the East than to allow these children to be roaming about in the towns and villages without any education and without any trade they can follow.

METHODS BY WHICH THE COMMUNITY CAN SECURE  
A FAIR SHARE OF APPOINTMENTS.

We wish to point out that the Census figures relating to appointments held by Anglo-Indians in Government Services cannot be taken to represent accurately the Anglo-Indians so employed, by reason of the fact that a large number of Goan and Indian Christians come to Burma annually and pass themselves off as Anglo-Indians. It would appear that Government does not put an applicant to strict proof that he is an Anglo-Indian or even a British subject. All that is required is that the applicant should have a European name, be able to read and write English and don European clothes. These Goanese and Indian Christians who get into Government Service naturally keep the doors open for their relations.

We consider that the practice of making appointments through the medium of Selection Boards should be abolished and appointments should be made by competitive examination. Care should be taken to see that the candidates are either born or domiciled in the Province. In the matter of appointments we do not ask for preferential treatment, but demand equality of treatment. In cases where appointments cannot be made by competitive examination, Anglo-Indians should be represented on the Selection Board,

and a certain proportion of appointments should in such cases be reserved for them.

DISABILITIES OF LOCALLY TRAINED NURSES.

We have in Rangoon a thoroughly up-to-date hospital, and the surgeons attached to the hospital are highly qualified men with English diplomas. The nurses of the hospital are Burmese, Karen and Anglo-Indian. They have to undergo training for a period of five years before obtaining certificates as qualified nurses. They are eminently suitable for the work as they can all speak at least one Vernacular language, and many of them are conversant with two Vernacular languages. In view of the fact that the majority of the patients are Indian and Burmese this knowledge of the Vernaculars is a very great asset.

These nurses, however, have a very real grievance, as they are hardly ever promoted to be sisters.

The sisters of the hospital are almost invariably recruited from the British Isles. So far as the Anglo-Indian nurses are concerned they are for the most part better educated than the average nurses from England, and we feel it is wrong in principle and against the spirit of the Reforms that these girls should not be promoted as sisters simply because they have not undergone training at an English hospital.

ANGLO-INDIAN MILITARY UNIT.

At least 80 per cent. of the male members of the Community are trained to arms. The majority of them start their military training in Cadet Corps at school. Before the war, the Volunteer Corps of the Province were composed mostly of Anglo-Indians and the same applies to the Indian Defence Force. On the outbreak of war a very large percentage of members of the Community volunteered for active service. Many of them went to England with the Burma Contingents and were drafted into various British Regiments and took part in fighting on the Western Front. A large number enlisted in the Mobile Battery and supplied a constant draft of gunners to reinforce the British troops in Mesopotamia. A number of these men took part in the siege of Kut. In Kut they proved themselves to be efficient artillery men and were frequently mentioned in despatches. One of them, Sergeant Heals, was awarded the D.C.M. When food supplies ran short the men agreed to go on half rations while the Indian troops who were becoming restive remained on full rations. After all their guns had been put out of action by the enemy these men volunteered to lead a bayonet charge to remove the Turks from the front line of trenches which they had occupied. Led by Major Anderson they regained the trenches, but not until 75 per cent. of them had been killed or wounded. The survivors of the siege took part in the long march across the desert to Turkey, where they were kept in captivity. It is recorded that while a large percentage of the British troops fell out on the march, barely one per cent. of Anglo-Indians succumbed to the trying ordeal. We have set out these facts to prove that the men of the Community are not only good soldiers, but also possess stamina and fighting qualities equal to that of any troops in the world. We would therefore urge that an Anglo-Indian unit be recruited in Burma.

## Memorandum submitted by the Indian Police Association, Burma Branch.

In response to the invitation published in the communique issued on 6th March, 1928, by the Indian Statutory Commission, I have the honour to submit the following representations on behalf of the members of the Indian Police Service serving in Burma.

2. The Indian Police Association, Burma Branch, is recognised by the Government of Burma. It can claim to be thoroughly representative of the officers of the Service in Burma, as over 98 per cent. of these have joined the Association.

3. My Association does not desire in this Memorandum

andum to set forth any views regarding the desirability or otherwise of extending the Reforms introduced in the year 1919, but desires only to put forward for the consideration of the Commission certain matters regarding which there have been and still are anxiety and dissatisfaction. These matters have already demanded deep consideration under the present constitution and, if a further substantial instalment of reforms is to be given, and the steadying and restraining influence of the British Parliament is to be still further relaxed, they will have to be considered afresh. If a large degree of autonomy and control over the (formerly) Imperial Services is given to local legislatures it can safely be predicted that the members of those Services will receive scant consideration from the new Legislatures—there is no gratitude in politics. It is respectfully submitted that their interest should be protected against such possibilities.

4. Apart from general considerations which apply to all provinces in the Indian Empire, there are some which are peculiar to Burma, and which render it desirable for Police officers serving in Burma to submit a separate Memorandum. The chief of these is the growing belief that Burma will be given separation from India and will thus no longer be under the Government of India.

5. The main points to which my Association is desirous of drawing the attention of the Commission may be summarised as follows:—

- (a) that the service should not be provincialised, but that it should retain its Imperial status.
- (b) that recruitment should continue as at present.
- (c) that, in the event of Burma being separated from India, there should be no reduction in the emoluments of officers of the Service.
- (d) that a Family Pension Fund, similar to that recently introduced for the Indian Police Service should be established.
- (e) that the security of ordinary pensions should be guaranteed.
- (f) that the right to retire on proportionate pension be continued.
- (g) that the scale of proportionate pensions at present allowed is inadequate and should be revised.

6. These points may be briefly elucidated.

(a) If the Service were provincialised there would be grave risk that it would soon develop the defects which led to the Police Commission of 1903. This would mean a very serious loss of efficiency and the degradation of a Service which is acknowledged to be second in importance only to the Indian Civil Service itself, being one of the two Security Services. The handing over even of the subordinate branches of the Service to popular control is to be deprecated for many years to come.

(b) As regards the necessity for the retention of Imperial recruitment, it must be admitted that the genius of the Burmese race does not lean towards the maintenance of a high state of discipline or efficiency. For this reason and for the fact that there are other besides Burmese interests to be safeguarded it is respectfully submitted that the present proportion of Imperial to local or Provincial recruitment—namely 50-50 should be maintained. The Governor in Council should control the postings of Imperial Officers.

(c) There should be no attempt to whittle down the

emoluments of officers on the ground that recruits could be obtained at lower rates.

(d) A Family Pension scheme for the Non-Covenanted Services in India has recently been sanctioned. If Burma is separated from India a Family Pension Fund similar to that sanctioned for the Indian Non-Covenanted Services should be established for similar services in Burma, any contributions which have already been paid into the Central Fund being credited to the Fund to be established in Burma together with interest which has accrued on the same.

(e) The security of ordinary pensions is another question which has been the cause of grave anxiety in the past. This anxiety will be accentuated if Burma is given separation, and my Association would urge that, in the event of the Provincial Government's defaulting in this vital matter, the British Government should automatically become responsible for the payment of these pensions.

(f) It has lately been announced by the Secretary of State for India that an Officer who is at present working in a reserved field will be allowed to retain for a year after his field of service has been transferred the right to retire on proportionate pension. My Association would urge that it would only be equitable to allow an officer—no matter to what service he belonged—to retain the right to retire on proportionate pension whenever his conditions of service were altered by the grant of a further instalment of self-government. It would, in any case, be an unwise and short-sighted policy to discontinue the concession of proportionate pension with effect from the introduction of this, the second instalment of reforms as that would immediately drive into retirement a number of experienced and valuable officers who would not risk staying on under what might prove to be irksome conditions.

(g) The Proviso to Section 96B (2) of the Government of India Act states that: "Every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." There is some doubt as to the interpretation of the words "existing and accruing rights" but my Association would respectfully urge that the existing scale of proportionate pension does not give adequate compensation for the loss of career and prospects—particularly in the case of a specialized service like the Indian Police—and would submit that compensation in addition to proportionate pensions should be granted to such officers of the Police Service as may find themselves unable to accept the new conditions of service. A precedent for this will be found in the treatment accorded to British Officers in the service of the Government of Egypt when that country was granted independence and in the terms proposed in the suggested new constitution for Ceylon.

7. In conclusion, my Association would urge the advisability of appointing a special Commission to inquire into and advise upon the whole question of the Police and other Services in Burma and their relations with the Local Government and with the Secretary of State. This would appear to be specially necessary with regard to the Security Services, for any chance of their becoming the instrument of local politics must be strongly guarded against.

## Memorandum submitted on behalf of the Mussulmans of the Central Provinces and Berar by Mr. TAJ-UD-DIN.

### CENTRAL GOVERNMENT.

I am not going to discuss what sort of Government is suitable as Central Government and would like to leave this question to All-India Associations and All-India leaders of public opinion. But whatever form the future Government of India may take, I am strongly of opinion that it should be stable and strong and with "real powers" of control over the Provincial Governments. There should always be one-third members of both the Houses from the Moslem community, to be elected under separate electorate by Moslem votes from different provinces.

The present representation of C.P. and Berar Moslems by one member in the Assembly and half member in the Council of State is most inadequate and this number must be raised. As I have not discussed the details of the composition of the Upper and Lower Houses of the Central Government, hence I can not fix any number for the representation of Moslems from our Provinces. But the members for the Lower House should not be less than seven and for the Upper House not less than three. This figure is on the assumption that the Lower House will be consisting of about five hundred members and Upper House of about two hundred members.

### FRANCHISE.

The voter's qualification for the Lower House may be reduced, but for the Upper House, though the direct election should only take place, the qualification may only be reduced to this extent that the voter's qualification for the present Assembly be put in for the qualification for the Council of State. If indirect election is put into practice for the Upper House then Moslem members must be elected by Moslem votes only. That right of Moslems to elect under separate votes and separate register should not be changed. As we have discussed this question of separate representation, of joint election and joint election with the reservation of seats in all its bearing in the chapter dealing with local bodies, we do not wish to repeat the arguments for and against it, but we wish you to note that taking away this right will be killing the Moslem representation and placing the important Moslem minority at the mercy of the Hindu majority.

In the Central Legislature (in both the Houses) one-third seats should be for Moslems and we cannot agree to lesser number of seats than one-third. This should be guaranteed in the Constitution.

### THE PROVINCIAL GOVERNMENT.

The number of the members of the Provincial Legislative Council of C.P. and Berar should not be less than 200 and out of which 50 should be Mussulmans. The election of Moslems should be under the separate election and by Moslem voters only. The distinction of "transferred" and "reserved" subjects should be done away with. In the Executive Council, which should consist of five to six ministers, there should always be two Moslem ministers. Besides placing important portfolios under two Moslem ministers, they should be put in charge of the Moslem education and Islamic culture. They should be in charge of supervision of primary education, schools, orphanages, widow homes and Urdu language and its script. One of them should look after the interest of Mussulmans in Services, local bodies and justices. In these subjects they should have direct access to the Governor and their power should be real. Their salary and vote of confidence on them should only be on Moslem councillors' votes.

The franchise should be as wide as possible and universal adult suffrage should be adopted. The present constituencies for the election of Moslem members are too big and unwieldy. The Moslem constituencies should be made small and of lesser area than they are at present. If fifty members are allowed, I will suggest that thirty should be from

C.P. and twenty from Berar. This number can be reduced proportionately if the Provincial Council is constituted of less than two hundred members. The Governor's power of veto and certification should be maintained and for the protection of minority interest steps should be taken to invest him with adequate powers of control, superintendence, and supervision.

Further, we strongly advocate that the most important provision contained in the so-called Lucknow Congress League Pact of 1917, that "no Bill nor any clause thereof, nor any resolution introduced by a non-official affecting one or the other community (which question is to be determined by the members of that community in the Legislative Council concerned) shall be proceeded with if three-fourths of the members of that community in the particular council, Imperial or Provincial, oppose the Bill or any clause thereof or the resolution" should be incorporated in the new Constitution of India. The authors of the Montagu-Chelmsford report objected to this as being too widely-worded and would in practice be so widely interpreted by those to whom its interpretation is specifically committed that it would be unworkable. But the same in our opinion can be so amended to make it less wide in interpretation and certain wordings may be added to make it workable. It is important for the safeguard of the Moslem minority interest, and should not be treated so lightly as it fared in the hands of the last authors of the Reforms.

### MUSSULMANS IN THE ADMINISTRATION.

The question of service is not a question of bread-and-butter, but everywhere in the world public servants are required for guidance and control. It is a source which contributes to the growth of our national prosperity and peace. Hence the struggle for and bitterness about the representation of the Moslems and other communities is not merely that of fishes and loaves, but has got something behind them. In the words of Dr. Shafaat Ahmad Khan, "Whatever the ostensible 'Constitution' or policy established, a very great deal does, and for decades to come must depend on how and who directs and operates in its actual working. The number of public officials may constitute only a microscopic minority of the total population, yet it is because they are virtual directors of the nation's destiny that Britons and Indians, Hindus and Moslems are competing so eagerly for their due share in them. We are free to acknowledge that the Reforms have, by bringing India face to face with the problem of self-government, precipitated the struggle for powers and emoluments of office and, in fact, for control of the entire machinery of the Government. As the process of withdrawing is steadily in operation, as more and more people new to power come to sway, the more will be the experience and training, the technical skill, and administrative efficiency of officers be effectively used and valued. As we approximate more to swaraj and real 'self-rule', more will the influence of these and friends of the public bodies and leaders increase in the first instance, and the more will there be action and reaction of opinion and actions, public and official."

The time has come when definite ratios be fixed in each service between Hindus and Moslems, because the majority community officers use their "religious fervour to obscure their judgment and prejudice their conduct." In the words of the Governor of Bombay, "a popular minister could not resist the lure of power and patronage to surround himself with a permanent staff recruited almost exclusively from his own community." Failing a fair and frank uncompromising ratio is settled between the two communities and the same is legalised in a parliamentary statute "greatest of all human tyrannies

will reign supreme in India, the tyranny of an unmitigated oligarchy of caste or creed over free and democratic Islam." With the full support of Hindu Ministers, executive councillors, office bearers of the local bodies and administrative officers, everything will be done exclusively for the benefit to perpetuate the monopoly of the Hindus. No remedial measures will have a remote chance of success and this will lead to killing the legitimate trade of the minority community by extending advantages and privileges, by giving contracts and state subsidy to the major community's trade.

When we ask for our share in these services, a blunt charge of "slave mentality, selfishness, petty-minded obsessions with bread and butter" is made against us, but if our demand is so mean as described in these words, why does the major community capture all posts and rather wish to die than give a portion of it? In the words of the Governor of Bengal, "Without a larger proportion of Muhammadan officers than now employed the interests of the population as a whole are not likely to be secured. Putting aside the natural reliance of the several communities in officers of their own community in times of tension, the Governor-in-Council considers it inevitable that Muhammadan officers will be in closer touch and sympathy with the needs and aspirations of their community than any other officer." In the words of a Bengali leader, "There was no incentive to bury the hatchet and to put shoulders to the wheels of national or administrative chariots of future India, if any community justly feels that it is being done out of even its minimum share of responsible positions and control of national policies. Bitterness between Hindus and Moslems is fast growing, and will continue to grow as Muhammadans get more and more educated. As Indianisation proceeds and Moslems alone fail to get their due share owing to natural tendencies or unnatural intrigues of Hindu Monopolists, the bitterness will grow." The great Indian leader, the late Mr. C. R. Das, brought about the Bengal Pact and "provided that in his province of Bengal 55 per cent. of the Government posts should go to the Moslems and Mussulmans satisfying the least test should be preferred till the percentage is attained, and after that according to their due proportion subject to this, that for the intervening years a small percentage of posts, say 20 per cent., should go to the Hindus."

The Government of India, through its Home Member, Sir M. Haily, laid down in 1923, by public declaration, that "the definite policy of the Government of India was to prevent the preponderance of any community, caste and creed in the services under its control." Following this, the Bengal Government in 1925 laid down by the order of the Governor in Council, "that in 45 per cent. vacancies filled by direct recruitment, Government reserves the right to appoint Muhammadans alone, provided they possessed the minimum qualifications or secured only the qualifying marks in the competitive tests." In the Bengal secretariat staff, 33 per cent. of all vacancies are reserved for the Moslems and "the very minimum proportion is to be immediately established." The Bombay Government has made it obligatory in all recruitments "a fair proportion to Moslems in the Presidency proper, and 50 per cent. in Sindh." The Madras Government has accepted the policy of giving preference to candidates from communities which have not got a due share of appointments in public service and accepted the proposal of the Muhammadan Staff Selection Board, that in proposing lists of candidates suitable for clerical as well as other appointments in public service, the following percentage should be adopted as a general rule "non-Brahmins, 40 per cent.; Moslems, 20 per cent.; Brahmins, 20 per cent.; Indian Christians and Anglo-Indians, 10 per cent.; Depressed Class and other, 10 per cent." The U.P. Government notified on the 29th May, 1920, that of the six vacancies to be filled in the Provincial Executive Services, two shall go to the Moslems." But

in our province of C. P. the policy outlined by the Government of India has had no practical effect, as will be seen from the comparative statement given elsewhere.

As early as 1910, the Government of India, in their Resolution (Home Department) N. 1040-58, Simla, the 19th August, 1910, lays down the general conditions, which should govern recruitment for the Provincial Civil Service. The Government of India gave special prominence to this principle while permitting Local Government to frame rules for such recruitment. The very first general condition laid down by the Government of India is that "The rules must be adopted on the one hand to obtain thoroughly efficient candidates, and on the other to secure the representation in the Public Service of the different classes of community." In reply to the Honourable Mr. Subah Rao, who moved a resolution for the appointment of a commission in the Legislative Council of His Excellency the Viceroy, on the 17th March, 1911, the Honourable (then Mr.) Archdale Earle, said that a fair proportion of the offices should be given to the various communities of India.

It is sometimes asserted by politicians of the monopolist class that some communities in India hanker too much after "loaves and fishes" of office. That the importance of a community as well as its happiness depends to a considerable extent on its position in the Public Service of the country is the necessary corollary of India's demand for a larger share of the posts for her sons. What is true of India as a whole is also true of its component parts, namely the communities. But even the problem of "loaves and fishes" is not to be despised of. There are several communities in India, and the Mussulmans are one of them, who were the last to turn to the new education that threw open the doors of office to them. They are, consequently, in most provinces, still behind the Hindus both in English education and in their share in the Public Service, but they are just the people who possessed, and, I believe they possess, great administrative talent and have been for ages most dependent upon Public Service for their maintenance. If you close to them the avenues of the Public Service, you deprive them almost entirely of their means of subsistence.

Now we are faced with the unsatisfactory phenomenon of the big community growing yearly more numerous and at the same time less prosperous; of a community which owing to the instinct and tradition of administration has been excluded more and more ever year from the administration, and of a community which has good ground for tracing misfortunes to an unfavourable condition imposed on it by the British Government. Mussulmans are restless and dissatisfied and the question before the community is to determine in what form their repressed energy subdued by misfortune and threatened by despair should find its vent? It lies within your power to utilise this energy in right quarters. Since we are making steady progress in Western education with a rapid pace, we find a tendency in our rulers, who are under the influence of Hindus, to disregard the real needs of our community. The result is that we, the Moslems, are now growing more conscious than before of the strength of our rights, privileges and claims and yet have confidence of having those recognised by our rulers in India and in England, simply because their resistance to a good deal of injustice tacitly tolerated has not been as great as that of politically speaking more forward and assertive communities. The Government and the English have not yet realised the menace lurking calmly behind the situation. Both as a measure of justice and of political expediency it is necessary to allow the Mussulmans, specially in these provinces, in which they are still very backward, an opportunity of coming into line with other communities. This is no favouritism, but the only practical form of fair play. I admit that the system proposed, which will solve the tangle,

is not so easy as an open competition, but no solution of our difficulties is likely to possess the merit of simplicity, for the problem is one of the most complex that has ever cried out for a speedy solution. Where else do we find a parallel to the India of to-day, whose population consists in the main of peoples, two of which cannot touch the third, and when such ordinary social relationship as inter-dining and inter-marriage are considered sinful. Where else do we meet with such a variety of communal talents, virtues and failings? Nowhere except in India the 20th, 15th, 10th and the 5th centuries exist side by side! India is a country of contrast, few rules can be made applicable to her generally without doing injustice to a vast number of persons and even retarding her general progress. It is often said that the Mussulmans claim special treatment, but it will be proved to you that we are not allowed to win our bare proportion in the Public Service of the country and there is no dearth of well qualified candidates among us. No doubt we are seeking for justice and not for favouritism. We do not want to lower the standard of service. Our only claim is that so long as we do not get our proper share in the service of the country, our candidates, possessing the minimum qualification for Government service, should be given preference over those of other communities.

Convention, pact or official circulars will not help us in either securing the fixed ratio, or if we try to do so the already Hinduised secretariat will whittle them down in actual working. In 1901 the Secretary to the Government had to condemn the machinations of the subtle and expert Hindu monopolist in a fresh order: "Notwithstanding the distinct order of the Government on the subject only 26 out of 382 teachers in Government service were Muhammadans. Inspectors of schools should adhere to the degrees laid down and not to give preference to a Hindu possessing a higher degree, which is not an essential qualification for the vacancy." We therefore want our position and ratio of 25 per cent. Moslems in all services, either Government or of Local bodies, and this be embodied in the Parliamentary statute and nothing less. The present atmosphere of the country is surcharged with racial and communal rivalry and this is keener for services in the State. Mussulman servants are being dismissed and discharged one after another from the local bodies. If no charge can be made against them, the retrenchment plea is the safest of all. In the Government service an organised propaganda is set on foot to disgrace the Moslem servants. Owing to mutual distrust the administration is not inspiring that confidence which is badly needed at a time when the feelings of the two great communities are badly strained. There have been so many riots recently in our province, but the riot at Nagpur and the way it was handled have created an atmosphere of suspicion and distrust, and intensified the Moslem feelings against the Hinduised administration.

Not only the Hindus have monopolised all the services but they cannot also see the few Moslems still in some departments. Moslem officials are passing through very trying times. Hindu public is levelling bitterest criticism against their administration, as their (Mussulmans) subordinates are Hindus who also try to discredit them and their character at every step. Organised agitation is followed by meetings and violent press propaganda. The council is flooded with questions, Hindu Secretariat and the press with appeals. The Moslem officials are, therefore, in a most humiliating position. Their (Moslems) superiors are Hindus and the Local Government, with Hindu ministers and executive Councillors influenced by this subtle propaganda, is apt to dismiss or reduce them from the office they occupy. The main object of this propaganda is to eliminate the Moslems from the Service. We therefore want an effective check over this and a safeguard for the Moslem servants. We want a guarantee before we can consent to leap into the dark. When the effect

on the service of the transferred subjects has been so disastrous for Moslems, and when the Hindus have not only monopolised the transferred alone, but also have influenced the Reserved half, we are afraid that whatever we have to-day will be taken away from us to-morrow. We had the bitterest experience of the Hindu monopolists. All countries in Europe have made provisions for safeguarding the rights of the minorities in the Services and we claim only what is conceded to others in similar circumstances. We want a guarantee for the future, and that should be laid down in the Parliamentary statute and in the constitution of the country, so that nobody may touch it here. The "Efficiency" theory is propped by the Hindus to meet their own ends. We should not be sacrificed on the altar of this bogus theory, but our demand of 25 per cent. representatives be embodied in the Parliamentary statute.

Now I wish to take department after department, and would like to show how the majority community has usurped all the powers and monopolised all posts in the province.

**Indian Civil Service.** The posts held by the Indians in Civil Service are divided on the scale of pay into:—

- (1) Select grade on superior scale on a scale of Rs1,000 to Rs2,500 excluding the oversea allowance. As these posts are in major numbers held by non-Indians they are left out of consideration for the purpose of comparison.
- (2) We take the Inferior Scale posts on a time scale pay of Rs450 to Rs1,350, excluding the oversea allowance. There are 11 Indians holding these posts for 12 years and below. Out of these 11, there are 10 Hindus drawing Rs8,010 per month. There is only one Moslem getting Rs850 a month. There are nine Indian officers though not I.C.S. Out of them 7 are Hindus drawing Rs14,250 per month as against two Mussulmans drawing Rs3275.

**Provincial Civil Service.** The Provincial Service comprises of two distinct branches:

- (i) The Executive and
- (ii) The Judicial.

**Executive.** Appointments to the executive branch are made in rare cases by promotion from the subordinate Civil Service, or occasionally from other departments, and mostly direct recruitment is made every year. Here the selection committee plays an important part—the required candidates are recommended by and nominated by the Local Government. They should be graduates, who can speak Hindi or Mahratti. There are 108 posts of Extra Assistant Commissioners, out of which 105 on a time scale pay of Rs300 to 850 p.m. Then there is a selected grade with a time scale pay of Rs900 to Rs1,100 p.m. There are 74 Hindus drawing Rs36,400 and 27 Mussulmans drawing Rs14,430.

**The Subordinate Civil Service.** The subordinate Civil Service, which is a branch of executive, recruits candidates from among the natives of the province. There are 114 posts for Tahsildars, out of which four are on a select grade of Rs300 to 350 p.m. and the remaining 110 on an ordinary scale of Rs175 to Rs275 p.m. The total strength according to the Civil List is as follows:—

114 Hindus drawing Rs21,675 p.m., and 29 Muhammadans drawing Rs7,600 p.m. (These figures include officiating officers in place of those who are on leave and those who are on deputation.) There are 118 Naib Tahsildars exclusive of "Probationers." 92 are Hindus drawing Rs11,030 and 26 Moslems drawing Rs2,830 p.m.

**Judicial.** The judicial branch of administration as now constituted consists of Sub-Judges and Munsiffs. Candidates for Judicial Service are appointed on the recommendation of the Judicial Commissioner, who is assisted by a selection committee. The candidate must be either a barrister-

at-law or a graduate-in-law, and be able to speak Mahratti or Hindi. The time scale pay is Rs300 to 850 p.m. with four select grade posts on Rs900 to 1,200 p.m. There are 49 Sub-Judges and 74 Munsiffs. Out of these 117 are Hindus drawing Rs75,000 and 6 Moslems drawing Rs2,910 p.m. For the administration of Civil Justice there are 11 District Judges in addition to the above. Eight District Judges are Hindus, and to our despair we note that there is not a single Moslem who has been found fit by our Hinduised rulers to hold the office. Among the Small Cause Court Judges, we find no Moslems as against six Hindus. The Court of the Judicial Commissioner has, after a long expectation and delay, got one solitary Mussulman. The hopelessly poor number of the Moslem officers in the Judicial branch is deplorable and we feel rightly that in the matter of appointment in this department pure and simple injustice has been and is being done to our community. It is not the question of bread and butter, but it is a question of power, prestige and influence. We cannot, therefore see our community kicked out of the Judiciary—we protest against this "Hindu-Raj." The Hindus have concentrated their energy and established their "Raj" authority, and the Moslems, who are 582,032 in number (in this province), have only six officers in this department. How can justice be expected in so intensified communal surcharged atmosphere? In the clerical staff of the different courts and offices the position of the Moslems is the most deplorable; it is but natural that the Hindu Munsarims, Superintendents, Head Clerks and Judges recruit for their clerical staff members of their own caste. Indeed it is purely a Mahratta department. We, therefore, strongly press that 25 per cent. of the posts in the J.C.'s Court, in all Judgeships, Ministerial staff and Clerical staff, should be given to the Moslems. Not only the present Hindu monopoly be done away with, but also in future 25 per cent. of all the vacancies be reserved for Moslems, who should be selected from among the Moslem candidates.

*The Secretariat.* There are two Executive Councillors, two Ministers and a Governor, among whom the portfolios of different departments are distributed. Ever since the Reforms, there never has been any Mussulman as Minister or as an Executive Councillor, except once for a brief period of a month or two as a Minister. When the Moslem Minister was appointed, the Hindu majority sent him away in no time. Leaving the I.C.S. Secretaries, who are mostly Europeans, all the under secretaries are Hindus. In the Ministerial staff Mussulmans are few and on unimportant posts. The Hindus have monopolised the real power and authority.

*Administration of Law (Reserved).* Beside the Deputy Commissioners, Extra Assistant Commissioners, Tahsildars and Naib-Tahsildars (who have been already dealt with) there are other important officers, who demand our attention. Tahsils are divided into Patwari's Circles. Each circle consists of several villages. Three or four circles are grouped together and placed under a Revenue Inspector. This is done so to keep record of land, hence the Land Record Department. The Revenue Inspectors are supervised by the Assistant Superintendents of Land Record, who are under a District Superintendent of Land Record. The head of the Department is the Director of Land Record, who is also the Commissioner of Settlement. The Commissioner of the Division controls the "Court of Wards." This court takes charge of the affairs of the owners of large estates, which cannot be managed by them on account of "age," "sex," or other disabilities. Our position in these departments is rather disappointing. Out of seventy-one posts held by Indians, sixty-three are held by Hindus, getting Rs9,315 p.m. and eight by Moslems getting only Rs990 p.m. This is the condition in the gazetted posts. In the lower rung of the ladder the position is still more pitiable. The number of the Moslem Patwaris is ridiculously small.

It is the Patwari who plays a very prominent part in rural areas. In the "Settlement Department" the same tale of Hindu monopoly is to be repeated. Out of eighteen gazetted posts there are fifteen Hindus (on Rs6,735 p.m.) and three Moslems (on Rs695 p.m.)

*Administration of Justice.* In the beginning of the chapter we have dealt with the Criminal and Civil Court Officials. The position of the Moslems, suffice it to say, is quite hopeless. There are eleven Civil Districts. At the headquarters of each there is a District and Sessions Judge. Where the work is heavy an additional District and Sessions Judge is posted. To our surprise we find not a single post given to any Moslem. Is it not a shameful state of affairs that a community is elbowed out from these high offices and Hindus have monopolised them to the extreme? The duties of a Sessions Judge are of far-reaching consequence. In such a communal surcharged atmosphere, when so many riot cases are trumped up for trial, is it not a matter of grave concern that Mussulmans should be forced to be tried and sentenced by a Hindu Sessions Judge, who is not above communal feelings? In fact, the life and property of Mussulmans is in danger. I do not mean that all the Hindu officers and judges are partial, but what I want is that justice must be above reproach. How can a community like ours, that is kicked right and left by Hindus, have faith in Hindus and expect justice without any misgivings, especially when knowing that they (judges) are from the same community who has dragged them to the Court in that pitiable condition? The position is most serious, and I earnestly pray that this should be done away with.

Benches of the Honorary Magistrates have been favoured, in important towns and villages, with first, second, and third-class powers usually for a successive period of five years. Few Honorary Magistrates exercise powers sitting singly. About one-fourth of the total cases are disposed of by them. A complete list of the number of the magistrates is given in the Appendix, where a comparison has been made of Moslems with other communities. The appointment of these Magistrates is made not on any academic qualification, nor is it based on any efficiency quality, but it is simply the will of the Government which makes and unmakes these highly-powered personages styled as Honorary Magistrates. When the atmosphere is surcharged with the ideal of the Hindu Raj, the local government must also be influenced by the same view. To pass his term of office comfortably and with ease H.E. the Governor has to placate the Hindu sentiment. Hence, the injustice to the Moslem minority. When the Secretariat is full of a particular community, when continuously the Home member and Ministers belong to that favoured class, and when the Executive is under the thumb of the majority, nothing can be expected from the English officers, also, even though they wish to do justice to the minority. Tales from the Judicial Commissioners' Court to the third class Magistrate is the same of Hindu monopoly. There are three districts, Seoni, Hoshangabad, and Bilaspore with two Mussulman Honorary Magistrates, as against thirteen Hindus. In Jubbulpore, Chindwara, and Yeotmal there are only three Mussulmans (in each) against seventeen Hindus in Jubbulpore, seven in Chhindwara, and nineteen in Yeotmal. There are two districts, Drug and Balaghat, in which not a single Mussulman is to be found as an Honorary Magistrate. In Damoh, Betul, and Mandla there is one Mussulman as against ten Hindus in Damoh, five in Betul and four in Mandla. In twenty-two districts of this province there are five hundred and eighteen Honorary Magistrates—eighty-seven Mussulmans and four hundred and twenty-six Hindus. As regards the powers these magistrates enjoy, it is not surprising that majority of Mussulman magistrates have been invested with third class powers; first and second class powers are mostly enjoyed by



Hindus. Not content with the numbers, they have been shrewd enough to usurp all the powers. In this connection there is only one aspect of the question worth consideration. The magistrates of this class do not belong to the permanent service, whose activities can be controlled and guided by their superiors, but they are from among the commoners; therefore they cannot be expected to be above the party and communal outlook. To expect justice with communal prejudice and bias from them is to ask for the moon. Except the power of appeal, which petty litigants are not expected to exercise, Government has very little control over these Courts.

Not only the system of recruitment requires complete overhauling, but also the Moslem ratio must be fixed for each district.

*Registration (Transferred).* Offices for the registration of documents have been established and they are in charge of Sub-Registrars. There are 110 Sub-Registrars, on a scale of pay of Rs60 to Rs175. There are ten ex-officio registering officers; Hindu monopoly reigns supreme in this department. No provision has been made for Mussulmans. They are nowhere found except such as can be counted on fingers. There are four Moslem Inspectors of Registration drawing Rs1,160 p.m., and the rest are Hindus. It is a simple and pure Hindu department.

*Law Department (Reserved).* The Law Officer of the Local Government is the Legal Remembrancer, also Secretary to the Local Government on the Legal Department and Secretary to the Legislative Council. The Assistant Legal Remembrancer is the Government Advocate, who is also the *ex-officio*, Standing Counsel and Public Prosecutor. Though one of the Law Officers is a Hindu, yet not a single Moslem is to be found among them. There are seven Hindu Public Prosecutors as against two Mussulmans. For the Magisterial Courts Police provides the ordinary prosecuting agency. Mostly Hindu lawyers are engaged. Because of the English element, the Hindu Raj has not been established in this department, but wherever Indians are appointed Hindus jump in, and the result is progressive Hinduisation. It is earnestly appealed that Moslem position be definitely fixed to avoid Hindu monopoly.

*Police (Reserved).* Except the posts of Inspector General and his deputy, who are Europeans, there are three Hindus and two Moslem District Superintendents of Police. Out of three Indian Assistant Superintendents of Police, not a single one is a Mussulman. Among the Deputy Superintendents of Police (Provincial Service), ten are Hindus and six are Moslems. As to Circle Inspectors, eighty-one are Hindus and forty-eight Moslems. We may briefly state here why justice has been done to us in this department. It is the only department in which Mussulmans are found in such a number. "It is because Hindus as a class are considered, and are really unsuitable for Police duties, and only the members of the martial race are recruited and selection is based on other grounds than those of mere literacy and bookishness, which are the prerogative of some of the clerical castes of the Hindus. Robust health, good physique and proficiency in sports are considered as a *sine qua non* for the Police Service."

But systematic and persistent effort is being made to oust the Moslems from the Police Service, therefore, in the Subordinate Service, Mussulmans are being reduced in number. Attempts are also being made to blacken their personal diary, so that they may not have any chance of promotion. In spite of "their glorious achievements, fine records and unsurpassed devotion," campaign of vilification against the Moslem Kotwals and other officials is already set on foot, every effort is made by the Hindus to monopolise this department. What will be the fate of "Law and Order"—God forbid!—when Hindu Raj is established in this Department? It can be better imagined than described.

*Jail (Reserved).* The Inspector General of Prisons, who is an Officer of the I.M.S., controls this department. There are two central, nine subsidiary and ten District Jails in the province. Out of two officers who are Indians (drawing Rs1,600 p.m.) not one is a Mussulman. As regards Jailors, against 11 Hindus (Pay Rs2,350), there are only three Moslems (Pay Rs470 p.m.). Figures for the Subordinate staff are not available, but Moslems are few, and their percentage is low. It will not be out of place if it is mentioned here, that Moslems, who are under trial and kept in jails under custody, are not given mutton. They are made vegetarian.

*Forest (Reserved).* The head of the department is the Chief Conservator, under whom there are three Conservators. Under them are the Divisional Forest Officers, who are either Deputy or Assistant Conservators in the grade of the Provincial Service. Divisions are divided into Ranges in charge of Rangers, with Deputy Rangers, Foresters and Forest Guards. Figures for non-gazetted officers are not available, but in the gazetted rank there are sixty-two Hindus and 10 Moslems (Pay Rs14,740 and Rs3,220 p.m. respectively). It is most essential that 25 per cent. seats of all candidates be reserved for Moslems undergoing training at the Imperial Forest College, Dehra Dun, for appointment in the Provincial Service and Forest College Coimbatore and the Provincial School at Balaghat for the posts of Ranger and Deputy Ranger.

*Local and Municipal Administration (Transferred).* *Public Instruction (Transferred).*—These two departments and position of Moslems in them are dealt with in separate chapters.

*Excise (Transferred).* The head of the Department is the Excise Commissioner, who is aided by a Distillery Expert and a Superintendent of Excise. In each district there is a District Excise Officer. The district is divided into Circles, each under a Sub-Inspector, with two or three peons to aid him. Besides this, there is an establishment at distilleries and warehouses. The position of Moslems in this department is as bad as in others. There are thirty-five Hindus and three Moslems drawing Rs.97675 and Rs520 p.m. respectively. This is a transferred subject, which has been successively under Hindu Ministers and the Hindu officials in the Secretariat. The result has been proved disastrous to the Moslem community. The above noted figures are for the gazetted officers. The position of the Moslems in the non-gazetted posts is still unspeakably bad. We are nowhere seen in this department. It is completely Hinduised. If immediate steps are not taken to break the monopoly, those of the few Moslems will be replaced by the majority community in the department.

*Public Works Department (Transferred).* (a) Roads Buildings, Bridges, etc.—Roads, buildings, bridges, etc., under the P. W. D., are controlled by a Chief Engineer, who is also the Secretary to the Government in his department. He is assisted by an Under Secretary who is generally a Senior Executive Engineer. The province is divided into Circles, each under a Superintendent Engineer, each circle is divided into divisions under an Executive Engineer, and each division into sub-divisions under a Sub-Divisional Officer, under whom are upper and lower subordinates. This department being under successive Hindu Ministers, has been also Hinduised to the core. Out of seven Indians holding the posts of Superintendent Engineers and Executive Engineers drawing Rs7,700 p.m. not a single one is Mussulman, all are Hindus. Out of twenty-five Assistant Engineers, two are Moslems, with the pay of Rs600 p. m. as against twenty-three Hindus drawing Rs10,671 p.m. There are eighty-two Hindu Sub-Engineers drawing Rs10,761 p.m. and eight Moslems drawing Rs1001 p.m. The position of the Moslems in the upper and lower Subordinate Service is still much more pitiable.



(b.) *Irrigation.* This branch is under the Chief Engineer, who is also the Secretary to the Government. He is assisted by a Senior Executive Engineer as an Under-Secretary with a similar organization of Circles, Divisions and Sub-Divisions. The posts are filled by the Indian Service Engineers, Engineers in the Provincial Service, and below them are upper and lower Subordinate Services. The position of the Moslems in this branch is far more deplorable than in any transferred subject. Out of five Executive Engineers, four are Hindus (pay Rs3,000 p.m.), and one is a Moslem (pay Rs675 p.m.). As for Assistant Engineers, 19 are Hindus (pay Rs7,490 p.m.). There is not a single Moslem. The position among the Sub-Engineers is equally bad. There are 101 Hindus drawing Rs12,560 p.m. against four Moslems, drawing Rs550 p.m. Out of five Revenue Establishment Deputy Collectors (Pay Rs1,865 p.m.) there is not a single Moslem. Out of 27 Inspectors, 26 are Hindus (Pay Rs3,355 p.m.) and one Moslem (pay Rs120 p.m.). There are two temporary Engineers (drawing Rs1,850 p.m.). Both are Hindus.

The above detailed account of the P.W.D. gives an idea how the Hinduisation of the department has been completely made. The handful of Moslems who are seen there will be no more if the process is allowed to go on and prompt steps are not taken to stop it. The chief reason for such a small number of Moslems in these departments is the policy pursued in the different Engineering Colleges and Schools. We therefore press that 25 per cent. seats for students of colleges and schools should be reserved for the Moslems. The competitive examination for admission should be stopped and if continued the percentage for Moslems be reserved and the Moslem students be taken out of the Moslem candidates only. The Hindu monopoly for each department should be at once done away with; Moslem teachers in the staff of the Engineering Schools and Colleges be appointed, and 25 per cent. ratio for the Moslems be fixed in the upper and lower subordinate service.

*Medical Relief and Public Health (Transferred).* Under the Minister of Medical Relief and Public Health is the Inspector General for Civil Hospitals. For each district there is a Civil Surgeon, who is also the representative of the District Public Health Department. Where there is no Central Jail, he supplies the place of the Superintendent of Jail. Under him there are Assistant and Sub-Assistant Surgeons. Moslems are few in these all-important departments. There is one Indian in the Imperial Service. He is a Hindu on Rs2,750 p.m. In the Provincial Medical Service there are 46 Hindus (pay Rs13,825 p.m.) and five Moslems drawing Rs1,230 p.m. In the Public Health branch, there is not a single Mussulman, though there are two Hindus in gazetted rank. Not only the Medical and Public Health departments are being Hinduised, but effort is also made to keep Moslems away from the Medical Schools and Colleges. Under the plea of the test Examinations, Moslems are rigidly excluded from them. It is, therefore, essential that the percentage of Mussulmans in the Schools and Colleges be fixed and a fixed number of Moslems having minimum qualification be taken, along with this further recruitment of Hindus be stopped and serious efforts be made to give 25 per cent. of all posts to Mussulmans. In this way our community can stand against the majority community. The above stated is the condition in the upper grade. Position of the Mussulmans in the rural and urban dispensaries, which are under the charge of the Sub-Assistant Surgeons (L.M.P.) is the most distressing. In short, the Medical and Health departments seem to have been made reserve for Hindus. This department of all others depends entirely upon the confidence, goodwill, and trust of all the communities, but it has been and is Hinduised to its utmost. In these days when Hindu-Moslem riots are an everyday affair, the treatment to the Moslem victims meted out can be

better imagined than described. The high position these Medical Officers enjoy before a court in police evidence is well-known. It is, therefore, sheer injustice that Hindus have been allowed to monopolise the department. The argument is not that Hindu Medical men are generally dishonest or partial in their duties, but what I want to impress with all emphasis at my command is, that this monopoly does no good to the profession or to the department. It is pure and unalloyed injustice to allow one community to capture all posts and usher out the other important community.

*Agriculture (Transferred).* This is another department which has been Hinduised. Here the "Shuddhi" is in full swing. In the Indian Agriculture Service out of two posts held by Indians, both are occupied by Hindus (Pay Rs1,050 p.m.). Out of 18 Provincial posts 17 are held by Hindus (pay Rs6,300 p.m.). There is only one Moslem (drawing Rs125 p.m.). In the subordinate service there are two Muhammadans (pay Rs245 p.m.) as against 55 Hindus drawing Rs7,865 p.m. With a Hindu Minister and Hindu Officials this is a purely Hindu Department. The state of affairs in the Agriculture College is the same. Moslems have no chance of admittance into the college either as students or as members of staff. If there are few students, attention is not paid to them.

*Civil Veterinary Department (Transferred).* Mussulmans in this department are not so badly off as in others, but Hindus are on the offensive. As long as candidates were recruited from Lahore College, where the medium of instruction is Urdu, some Moslems could come forth, but now the majority community is putting forth its candidates. In the Provincial Service there are four Hindus and two Moslems drawing Rs1,420 and Rs575 p.m. respectively. In the Subordinate Service there are 11 Hindus and four Moslems (pay Rs2,000 and Rs650 p.m. respectively). In the case of Veterinary Assistants the ratio of Moslems is not fair.

*Industries ("Reserved" and "Transferred").* This department has been divided into "Reserved" and "Transferred." Factory, Boilers, Electricity Inspectors, the prevention of smoke nuisance, and the investigation of labour problems are under the "Reserved" group. Companies, Development of Industries, Technical and Industrial Education are under the "Transferred" side. The Director of Industries is the head of the department. He is also the Registrar of Co-operative Societies. He is assisted by an Advisory Board of twenty members, of whom five are officials and nine council members. His staff consists of a Chief Inspector, two Inspectors of Boilers, one Electrical Adviser, a Textile Expert, a Leather Expert, and Inspector of Industrial Schools, a senior Inspector of Factories, and a Commercial Agent. The department controls seven schools of handicrafts and Reformatory School at Jubbulpore. The Museum at Nagpur is also under it with a curator and a coin expert. This department is also a stronghold of Hindus. Their monopoly is complete. In the whole department there are only two Moslems (pay Rs740). Not content with the staff, they have completely Hinduised all the seven schools. They are maintained for the exclusive benefit of the majority community. All the teachers are Hindus. It is seldom and with great difficulty that Moslem students are admitted.

*Co-operative Societies (Transferred).* This department like others has been successively under a Hindu Minister. It is no wonder if we note that it has been Hinduised. Out of three Registrars, one is a Moslem—he has been deputed to this department—and two are Hindus (pay Rs850 and Rs1,300 p.m. respectively). All the Circle Officers are Hindus. There are 35 Hindu Auditors—Pay Rs1,305 and two Moslem Auditors (pay Rs255 p.m. respectively).

**Income Tax (Central).** It is a central subject controlled by the Board of Inland Revenue. The Local Government has nothing to do with it, except in the appointment of Income-Tax Commissioner and Assistant Commissioners. It is under a Commissioner, who is assisted by two Assistant Commissioners, 13 Officers, 12 Inspectors, 6 Examiners and 25 Sub-Inspectors. Though at the top there is a Muhammadan, yet under him we find all Hindus except two or three Moslems. The Moslems here are no better off. In all there are two Moslems and 28 Hindu gazetted officers drawing Rs2,780 and Rs11,875 p.m. respectively. It is said that it is a Muhammadan department, since its head is a Moslem, but the Hindu clique majority and monopoly can better be imagined than pointed on paper, when one takes into consideration the above figures and the number of these who are non-gazetted officers.

**Audit Department.** It is a purely Hindu department. Out of five Indians holding office, there is not a single Moslem.

**Post and Telegraph.** In this department out of six Indians, five are Hindus drawing Rs2,755 p.m. as against one Moslem (pay Rs350 p.m.). In the account section there is not a single Moslem, though there are three Hindus drawing Rs2,230 p.m.

Such is the pitiable condition of the Moslems in different departments. Hindu monopoly reigns supreme on the "Transferred" side, and they have succeeded in making successful onslaught on the "Reserved" Half. If this state of affairs be continued to go on, Mussulmans will be nowhere in the Public Service and the result will be that the next decade we will be classed among other "Gonds" and "Bhils" of the country. Thus history will repeat itself. It is therefore imperative that our rights, privileges and claims be safeguarded in the proposed constitution of the country by the British Parliament and that we be allowed to enjoy our share in directing and controlling the destiny of our nation through thick and thin. Our demands in brief therefore are:—

- (1) The recruitment of Hindus be stopped in all departments which they have monopolised at present, and 75 per cent. posts be given to Moslems, till their ratio of 25 per cent. is reached in each branch of service.
- (2) Moslem candidates possessing minimum qualification be taken from among the Moslem applicants.
- (3) Certain number of seats may be reserved in Agricultural, Engineering, Medical and other vocational institutions.
- (4) A European Official, with the duty of keeping a list of Moslems who satisfy the minimum qualifications laid down by the Public Service Commission, should be appointed. He is to be assisted by a Moslem Advisory Board. No appointment is to be given to other community unless the Moslem candidate is not forthcoming either directly or departmentally. This is essential, because the already Hinduised offices and their heads destroy or tamper with the application of the Moslem candidates.
- (5) Ratio and proportion of Moslems in different departments be fixed in Parliamentary Statute. H. E. the Governor be instructed to carry out the same within a few years. No legislature or executive order should be allowed to touch it.

It may be noted that we will not accept any constitution if it does not guarantee our representation in the Public Services of the country in the ratio mentioned above. If without the above as fundamental safeguard any constitution is imposed on us, we will oppose it tooth and nail.

#### MUSSULMANS IN LOCAL BODIES.

Aim of the present Memorandum is not to show you what the Local Bodies are, what are their functions, and what are the amenities of life which are enjoyed through them. Suffice it to say that Local Bodies are almost democratised in our Provinces. The control of the officials is almost nominal. In fact there is full swaraj as far as the Local Bodies are concerned. In the Government Report: "Wide financial powers, an electorate on a liberalised franchise designed to comprise at least 5 per cent. of the population, an increase in the proportion of elected members, the practical elimination of official members and relaxation of official control, mark a very wide advance." When the above noted changes took place the Government said, "It was perhaps not surprising that the public should in the past have been apathetic towards local bodies which were criticised on the ground that they were too dependent upon Government and too limited in the duties entrusted to them to arouse real enthusiasm; the new Acts greatly extend the scope and importance of the Local Bodies and their independence of official control, and this grant of wider responsibilities should do much to dispel the present apathy of the Local Electorates."

The control of the Deputy Commissioner has been, as laid down under the new Act in force, confined to the examination of proceedings, inspection of immovable property or works in progress, inspection of documents and the right to require the submission of statements, accounts and reports. The Commissioner's control over the Municipal committees is almost nil, though in the case of the District Councils he receives reports from the Deputy Commissioners.

What was expected of these bodies was that they should be honest, efficient, and impartial in the discharge of their duties. They should not set at naught the wishes of a linguistic or religious minority. Their expectations have not been, we are sorry to say, fulfilled. It is not required of me to tell whether they have been efficient and honest, but one thing I will say, that neither have they been impartial nor have they respected the needs and wishes of the Moslem minority. There have been attempts innumerable and in actual working at some places they have been abusing their power. It has been an object lesson to us. No one would plead for unlimited power or limitless power to be given to these local bodies. But I would like to explain my attitude towards this intricate question that it may not be misunderstood. I, therefore, say that if a local body acts efficiently and honestly within the sphere of work committed to its charge, and so long as the rights of racial, linguistic and religious minorities are respected, it should be left free from interference by the Government, and its autonomy should be scrupulously respected, its privileges should be inviolate and its powers should not be impaired.

The District Councils and Local Boards of these provinces are governed by the Local Self-Government Act of 1920 and the Municipal Committees by the Act of 1922. These Acts gave them almost complete autonomy. We have to see how Moslems have been treated under these Acts by the bodies thus created.

Let us first examine the population of Mussulmans in these provinces. According to the last census Mussulmans live mostly in cities. Following figures will bear testimony to the above statement:—

	No. of persons per mile.
Total population	90
Hindus	86
Mussulmans	414
Christians	324
Jains	200
Parsees	847

The above will show that Mussulmans form a comparatively large proportion of the urban population. In the following towns Mussulmans form twenty to fifty per cent. of the population:—

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

Town.	Total Population.	Hindus.	Mussulmans.
Saugor ..	39,319 ..	29,246 ..	8,010 ..
Jubbulpore ..	108,793 ..	75,755 ..	24,312 ..
Seoni ..	12,772 ..	8,740 ..	2,811 ..
Narsinghpur ..	9,839 ..	6,997 ..	1,905 ..
Hoshangabad ..	12,048 ..	8,840 ..	2,102 ..
Harda ..	11,077 ..	8,029 ..	2,608 ..
Sohagpur ..	7,053 ..	4,829 ..	1,924 ..
Pachmar ..	4,568 ..	3,257 ..	998 ..
Khandwa ..	26,802 ..	18,518 ..	7,217 ..
Burhanpur ..	35,916 ..	22,847 ..	12,761 ..
Kamptee ..	20,226 ..	13,597 ..	4,853 ..
Balaghat ..	7,300 ..	5,056 ..	1,027 ..
Raipur ..	38,341 ..	30,824 ..	6,017 ..
Amraoti ..	40,694 ..	32,224 ..	7,537 ..
Amraoti Camp ..	4,775 ..	3,412 ..	899 ..
Ellichpur ..	23,899 ..	16,344 ..	7,206 ..
Badnera ..	12,372 ..	9,382 ..	2,369 ..
Anjanpore ..	9,338 ..	6,502 ..	2,626 ..
Talegaon ..	5,971 ..	4,594 ..	1,134 ..
Kolhapur ..	4,306 ..	2,642 ..	1,547 ..
Chandur Bazar ..	4,701 ..	3,508 ..	1,109 ..
Akola ..	37,864 ..	28,401 ..	8,337 ..
Karanja ..	13,645 ..	8,523 ..	4,175 ..
Akot ..	16,887 ..	12,699 ..	3,920 ..
Basim ..	10,971 ..	8,053 ..	2,557 ..
Murtizapur ..	10,552 ..	8,039 ..	2,107 ..
Barsi Taluka ..	5,405 ..	3,289 ..	2,076 ..
Balapur ..	10,567 ..	5,332 ..	4,782 ..
Patur ..	5,734 ..	3,785 ..	1,934 ..
Mangral Pir ..	5,490 ..	3,146 ..	2,285 ..
Malkapur ..	14,947 ..	9,875 ..	4,650 ..
Chikli ..	6,093 ..	4,668 ..	1,372 ..
Umerkhed ..	6,442 ..	4,790 ..	1,594 ..
Darhwa ..	7,460 ..	5,175 ..	1,858 ..

Though in no town Mussulmans have majority over Hindus in the whole of C.P. and Berar, yet they are practically equal in number; no doubt weak in actual voting strength in one or two towns. In other towns, as shown above, Mussulmans form twenty per cent. to thirty per cent. of the population. As the Mussulmans have not the guarantee of the separate election, and have to stand in the same election booths and under joint electorate without reservation of seats, they have fared very badly. Ratio of Mussulmans in the rural area is not that of towns. In the villages they are few and in small number. It is in towns that resources of our civilization are concentrated and chief brains of the community are supplied from the towns. All the economic, social, and religious movements are born in the towns, and fortunately in the towns we are living in greater number. In spite of all this we have suffered tremendously under these two Acts. By not giving us the separate electorate, the Acts deprived us of our representation.

If we are accused of communal feelings, let us see what our Hindus have done where they are in minorities. The *Punjabee* of Lahore wrote, in 1911: "The fact that in Wazirabad the Muhammadans considerably outnumber the Hindus and the Sikhs combined is no justification for permanently placing the Hindus and the Sikhs in a position of utter dependence and subordination in the municipal committee. Mere numerical strength, we have stated, is no standard by which to determine the extent of the representation. To place an important community permanently in such a position as almost to eliminate its representation is certainly an irritating proceeding." We make a present of these remarks of a Hindu paper to his co-religionist and C. P. and Berar with the hope that they would apply them to the case of C.P. and Berar, where the Mussulmans are "in a position of utter dependence and subordination" in local bodies, and "an important community" is being placed "in such a position as almost to eliminate its representation." The demand of the Mussulmans is not that the minority should be converted into a majority. They would be satisfied if the minority is made more substantial in local

bodies, on the basis of proportion to the total population. But in itself the concession asked for is a trifle and we are not sure that it will help Mussulmans much. Even then, they would be but in minority and will depend on the goodwill of the Hindu majority. It would be by courting the friendship of the Hindus rather than hostility that the Mussulmans will be able to safeguard their interests. But there is not still enough magnanimity in the majority even to concede this trifle. Shylock was asked to show mercy, but replied that it was not in the bond, and insisted on having his pound of flesh.

Probably in C.P. nobody cares to know that there had been pledges continuously made by the Government that there should be separate representation for the Mussulmans not only in the Legislatures, Imperial and Provincial, but also in local bodies. In fact, these pledges have been treated by our Hindu brethren as mere scraps of paper and the local bodies of these provinces enjoy the Hindu Raj pure and simple under the so-called joint electorate. On the memorable 1st October, 1906, Lord Minto gave a "Pledge" at Simla which is as emphatic as it is clear. The Mussulmans, in their address, had stated as follows:—

"As Municipal and District Boards have to deal with important local interests, affecting to a great extent the health, comfort, educational needs and even the religious concerns of the inhabitants, we shall, we hope, be pardoned if we solicit for a moment your Excellency's attention to the position of Muhammadans thereon before passing to higher concerns. These institutions form, as it were, the initial rungs in the ladder of self-government, and it is here that the principle of representation is brought more intimately to the intelligence of the people. Yet the position of Muhammadans on these Boards is not at present regulated by any guiding principle of general application, and practice varies in different localities.

"We would, therefore, respectfully suggest that local authority should, in every case, be required to declare the number of Hindus and Muhammadans entitled to seats on Municipal and District Boards, such proportion to be determined in accordance with the numerical strength, social status, local influence and special requirements of either community. Once their relative proportion is authoritatively determined, we would suggest that either community should be allowed severally to return their own representatives."

In reply to the above, the "Pledge" given by Lord Minto is as follows:—

"The pith of your address, as I understand it, is the claim that in any system of representation whether it affects a Municipality, a District Board or a Legislative Council in which it is proposed to introduce or increase an electoral organisation, the Muhammadan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by any chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated not merely on your numerical strength, but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me; I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent. The mass of the

people of India have no knowledge of representative institution. *I agree with you gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards and that it is in that direction that we must look for the gradual political education of the people.*

The above was in 1906, and in 1911, H.E. Lord Hardinge, the then Viceroy of India, in reply to the address of the Punjab Moslem League, said: "You may rest assured that *pledges once given by Government will not be broken.*"

As Lord Minto has said, in 1906, he made no attempt to indicate by what means Moslem representation could be obtained. It was not till three years that the Royal Decentralisation Commission held by an almost unanimous opinion that the interests of minorities should be secured by methods different from those which had till then been in force. The Commission wrote, in paragraph 789 of its report, that:—

"As regards the methods of election, we are in entire accord with the resolutions of 1882, as to the impossibility of laying down any general system and the desirability of trying different schemes in different localities, including methods of proportional representation and elections by castes and occupations, etc. Having regard to the different circumstances of different areas, we think it essential that the system adopted in each should be such as to provide for the due representation of different communities, creeds and interests. It has always been recognised that it is the duty of the British Administration to protect the interests of the various communities in India and to secure impartial treatment to all. Moreover, in the cognate matter of the selection of members for Legislative Councils the discussion which resulted in the passing of the Indian Councils Acts of 1892 embodied the emphatic testimony, not merely of distinguished Anglo-Indian officials, but of British statesmen as to the necessity for securing special representation of Muhammadan and other minorities and so to the danger of allowing undue predominance to any one caste."

In other words, a Commission appointed by His Majesty on the advice of so liberal a minister as Lord Morley, and composed of some of the most broadminded officials and non-official members, confirmed the testimony of distinguished Anglo-Indian officials and British statesmen, with only a half-hearted dissent of the late Mr. R. C. Dutt, who considered the system of Government nomination to help minorities a wise exercise of power, and could not say anything more against the views of his colleagues than that "Separate election by castes and creeds is not known elsewhere in the British Empire," and that the people of India had generally been taught "to ignore distinctions of caste and creed in civic life." With reference to this, we only regret that while the predominant majority is fully cognisant of the educative value of municipal elections and wishes to avail itself of them, one of its most distinguished members, now, unfortunately, no more, still considered the system of Government nominations sufficiently helpful for the minorities. Had the people of India learnt the lessons of British rule, like apt pupils, and in practice forgotten distinctions of caste and creed, there would have been no need of Government nominations to help minorities, which, unlike most minorities in other parts of the British Empire, are less numerous communities out-voted for the simple reason of differing from the majority in caste or religious belief. This shows that the conditions of India are almost unparalleled anywhere else in the British Empire, and our evils being different there need be no hesitation in providing remedies not known elsewhere in the British Empire, so long as they suit the disease.

Coming nearer now, as early as in 1918, authors of the report on Indian Constitutional Reforms, Mr.

Montagu and Lord Chelmsford wrote, in paragraph 227:—

"At this point we are brought face to face with the most difficult question which arises in connection with elected Assemblies—whether communal electorates are to be maintained. We may be told that this is a closed question, because the Muhammadans will never agree to any revision of the arrangement promised them by Lord Minto in 1906, and secured to them by the reforms of 1909. But we have felt bound to re-examine the question fully in the light of our new policy and also because we have been pressed to extend the system of communal electorates in a variety of directions."

This is no new problem. It has been discussed periodically from the time when the first steps were taken to liberalise the Councils. There has hitherto been a weighty consensus of opinion that in a country like India no principle of representation other than by interests is practically possible. Lord Dufferin held this view in 1888, and in 1892 Lord Lansdowne's Government wrote that:—

"The representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in Council by the mouth of some member specially acquainted with them."

We note that in 1892 the small size of the Councils was reckoned as a factor in the decision and that the contrary view was not without its exponents, but we feel no doubt that Lord Minto's Government followed the predominant opinion when, in 1908, they passed for an important extension of the communal principle. Thus we have had to reckon not only with the settled existence of the system, but with a large volume of weighty opinion that no other method is feasible. Because the principle is opposed to the teaching of history and perpetuates class divisions and also stereotyped existing relations, the learned authors were opposed to it, but they said:—

"At the same time, we must face the hard facts. The Muhammadans were given special representations with separate electorates in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. The Muhammadans regard these as settled facts and any attempt to go back on them would rouse a great storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguard. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new Councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible Government, that its reversal will eventually be to their benefit and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that so far as the Muhammadans, at all events, are concerned, the present system must be maintained until conditions alter, even at the price of slow progress, towards the realisation of a common citizenship. But we can see no reasons to set up communal representation for Muhammadans in any province where they form a majority of the votes."

Commenting on the above report His Excellency the Governor in Council of Madras wrote:—

"His Excellency in Council is strongly impressed by the necessity of devising some means of

providing for the representation of communities which have in the past been unable to secure any adequate share in the elective portion of the Legislative Council. It is a patent defect in the working of the present system that the representation has been so largely monopolised by a single class . . . and the Government trust that the (Franchise) Committee will be able to devise some means for ensuring the due representation of the great mass of the community."

The views of the Government of Bengal are embodied in the following. Thus wrote His Excellency the Governor in Council.

"The subject of communal and special electorate has attracted much attention. While the theoretical objections to their continuance are admitted, the general view of all sections, officials and non-officials, Europeans and Indians, is markedly in favour of their retention, on the ground that in no other way could certain important interests secure a place in the new councils. The Muhammadans strongly urge that they should be given communal representation whether they are in a minority or not, and it is evident that they would regard any other treatment as a breach of faith. The Muhammadan opinions are remarkable for the insistence with which they urge the necessity for special provision in this respect, not only in the councils but also on standing and grand committees and similar bodies, as also in the Public Services."

In another paragraph His Excellency the Governor in Council said:—

"Theoretically it would no doubt be advantageous to have general electorates only, and the objections urged in the Report to Communal representation are just, but it is necessary to deal with the country as it is, not as it ought to be. Concessions have been made to Muhammadans from which it is impossible to withdraw without their consent, and they have made it clear that they do not consent, even to the proposal in para. 231 of the Report, that communal electorates should be retained only in those provinces where the Muhammadans form a minority of the votes. In Bengal, owing to the predominance of Hindu landlords and moneylenders in districts where the bulk of the population are Muhammadans, the latter have every reason for apprehending that their interest will not be duly safeguarded even where they are in a numerical majority."

The Lieutenant Governor of the Punjab writing on the subject said:—

"Apart from the theoretical objections to it, the system of communal representation would afford the simplest solution of conflicting claims in the Punjab. It would meet the views of Muhammadans and Sikhs and though deprecated by the Hindus generally their political leaders could not well go back on the Congress League pact of 1917."

His Honour the Lieutenant-Governor in Council of Behar and Orissa wrote:

"Muhammadans' opinion in the province, where it is not merely a re-assertion of the Congress League Scheme, is content to dwell upon the necessity for Muhammadan representation greatly in excess of the proportion which the Muhammadan element in the population bears to the whole."

Honourable the Chief Commissioner of Assam wrote in detail on the subject. Said his Honour:—

"To my mind it is immaterial whether the community concerned is or is not in a numerical majority in the area under consideration. The real questions are these:—

First.—Is the community one in regard to which it is desirable for political reasons that they should now be represented on the

Council by spokesmen of their own race and religion?

Second.—Has the community any real chance of being now so represented in the absence of a communal electorate?"

If the answer to the first question is "Yes" and the answer to the second question is "No," then I would brush aside all theoretical considerations, look the situation straight in the face and grant a communal electorate. I have frequently disagreed with my late colleague, Mr. P. C. Lyon, and on no question have disagreed more completely than on the question of constitutional reform, but I desire to express my fullest concurrence with his letter to the *Times*, dated the 8th August, 1918. After discussing the question of communal representation he concludes as follows:—

"The supporters of the new scheme who have had experience in the working of the Legislative Councils in India ask for communal representation, because they agree with its opponents that it is most important that Indians should learn to work together without consideration of class. It is by using it now to bring all parties together to share alike in public service and responsibility that we shall gradually persuade India that she can do without it."

Continuing His Honour wrote:—

"In view of the recommendations in the Report it is almost unnecessary that I should put forward any arguments on behalf of communal representation for the Muhammadans of the province. Here as elsewhere they are a peculiar people with peculiar interests, and it will be many centuries before they will amalgamate politically with their Hindu or Animist neighbours. They are in a slight majority in the Surma Valley, but in a hopeless minority in the Assam Valley. Taking the two valleys together they amount to one-third of the population, and I therefore propose to give them 10 members out of 30."

Lieutenant-Colonel H. C. Beadon, I.A., Officiating Chief Commissioner of Delhi, said:—

"In these paragraphs it is postulated that electorates must not be communal and that there must be direct connection between members of a Legislative Council and the original votes. Such theories are based on the English conception of democratic rule and representative Government, the idea of mixed electorates is wholly opposed to Oriental ideas and their introduction will cause intense dissatisfaction in Northern India; racial and inter-creed feeling will be accentuated to such an extent that elections will be impossible . . . I do not deem it advisable to write at length on these subjects, because there is really very little chance of mixed electorates or a system of direct elections being established within the next generation: I merely emphasise that unless good material can be found for the foundations the superstructure must not be built."

Hon'ble the Chief Commissioner of C. P. was against separate election for the Muhammadans, and wrote thus:—

"The Muhammadans are but a fraction of the population and are widely scattered; it is next to impossible to suggest separate constituencies to meet their case, and in the Central Provinces it would in my opinion be correct to lay down from the outset that the special exception which the Report has made as to the representation of this community cannot be carried into practical effect."

The above written opinion of the Hon'ble the Chief Commissioner of C. P. shows the mentality of the Hinduised Government of our Provinces. Hindus since the Minto-Morley reforms have been the *de facto* rulers of the province, and against the wishes of the Hindus and the pro-Hindu Chief Commission, Moslems got separate electorate

in the Provincial Legislative Councils, but the Chief Commissioner and later on successive Hindu Ministers could dispense with this essential safeguards for the Moslem privileges and rights as far as the Local bodies are concerned. Now let us see the result of the working of the joint electorate in these bodies. Figures given in the Appendix will show the real state of affairs. Not only that the pledges, given by the responsible and highly placed British statesmen, officials and successive government, have been treated as scraps of paper, but deliberate attempts have been successfully made by the Hindu majority in the Legislative Council, supported by the Ministers, to do away with the Moslem representation. Three successive elections of the Local bodies have been held since the new Acts came into force, and there are more than a dozen Municipal Committees and more than half of the District Councils in which not a single Mussulman has been elected as member. The "Direct Election" on joint system of election has been disastrous for the Moslem community. Following are the Municipal Committees which had the fortune of not getting any Mussulman in the election.

The list of Municipal Committee with Zero Moslem members.

Year	Name of Municipal Committee	Hindu Members Elected	Moslem Population	Hindu Population
1928	Ramtake	8	487	7881
"	Katol*	11	918	8568
"	Tumsar	8	446	6093
"	Warora*	8	1004	7054
1928 and 25-26	Pulgaon	8	649	6385
"	Saugor*	13	8010	29246
"	Deori	6	542	4351
"	Chota Chhindwara	6	272	3108
1928	Balaghat*	10	1027	5956
"	Damoh*	13	2831	11174
"	Dhamtari*	10	918	10855
"	Ellichpur C.S.	9	separate figures not available.	
1925-26	Deoli	5	359	5451
"	Arvi*	16	1432	11265
"	Schora	9	644	5630
"	Bina Itawa*	8	1561	6656
"	Drug*	9	878	9983
"	Wun	7	866	5550

In the year 1925-26 in ten committees only one Mussulman came in through the general election in each committee, and in the year 1928 there are thirteen committees in each of which one Moslem member has come in. Detailed examination of the figures, and absence of the Moslems from the elective bodies can well be seen by the enclosed subsidiary tables. It is sufficient to say that no Moslem, however in the forefront of political life he may be, and whatever his educational qualifications may be, could have any chance of successfully competing with a mediocre Hindu. The tables will show that being in the majority they (Hindus) could run the elections in the manner of their liking.

The above shows the pitiable condition of Mussulmans in the Local bodies under the Joint Electorate. Now our opponents say that as the separate election is not good and Mussulmans want some safeguards for them, we are ready to reserve some seats for them. This subject has been so ably discussed by Dr. Shafaat Ahmad Khan in the U. P. Moslem Memorandum to the Simon Commission that I would like to reproduce it in full :—

#### JOINT ELECTORATE WITH RESERVATION OF MOSLEM SEATS.

"In order to deal effectively with this subject, it will be necessary to examine in a little greater detail the condition of the Hindu and Moslem society in these provinces of the present day. The United Provinces of India have been the real home of the Moslem rulers of India. Delhi and Agra have been their capital. Oudh, firstly a province of the Moslem emperors of India, was later ruled by Moslem Kings. The Moslems were thus the rulers and the Hindu the ruled. The British acquired these provinces from the Moslems, who naturally at that time had the large interest in the country. Their interest in landed property was considerable. They occupied then, and continued so to occupy for long afterwards, a position of vantage in all public offices, judicial, executive and ministerial. The employment of their own language was also a great asset to them.

The Moslems kept sullenly aloof from all those institutions—educational and political—that the British rule brought in its wake. This attitude of the Moslem brought suspicion in the mind of the British, which was fed by the other communities anxious to secure benefits for themselves. He thus easily became the target of all those invectives and calumnies that were levelled against him. The cumulative result of all these disintegrating forces has been that the Moslem, despite his frantic efforts to recover the ground lost during the last half a century, finds himself backward educationally and economically. His property has been steadily slipping from his hands, and as he is not allowed to engage in banking pursuits, is largely under the influence of the Hindu moneylender. Other communities, e.g. the Hindus proper, on the other hand, took the fullest opportunity of every avenue of progress and advancement that was open to them. Added to this, their endeavour throughout has unfortunately been to dislodge the Moslems from all positions of influence and power. The attitude of *laissez faire* that the Government adopted towards the Moslems has further contributed to their present position. The result is that while on the one hand the Hindus at present occupy in these provinces position of vantage—they are educationally far superior to the Moslems, they are economically on the strongest possible position, they are organised, they are capable of creating and keeping up agitations, they are imbued with a strong sentiment of creating a nationality of their own which means Hinduism, to the exclusion of all other faiths and peoples—while the Moslems, for reasons which have been detailed above, are less educated, are economically weak, are looked upon as foreigners by the Hindu, are disorganised principally because they are scattered over a large area, are not fond of agitations, and are by habit anxious to give as little trouble to the Government as possible.

Such being the present state of Hindu-Moslem society, could it for a minute be conceived that joint electorates will not mean another inroad on the Moslem position, and will the Moslem be far wrong, in further doubting the bona fides of the British Government towards the Mussulmans of the country if joint electorates were substituted for separate electorates? There is thus no alternative for the Moslems in the present state of the country except to insist on separate electorates and separate representation of the Moslems, much, indeed, as is their desire that it should be done away with soon. Joint electorate with reservation of seats for the Moslems will not avail, for the following among other reasons :—

- (1) If separate electorate is bad, joint electorate is bad enough, and both are the negation of democratic theory.
- (2) Owing to various reasons, a considerable number of Moslem voters are influenced by Hindu moneylenders, and we fear that if joint electorates with even reservation of

\*These towns, either as headquarters of the district or as important trading centres, in spite of so much Moslem population, are without any Moslem member through any election whatsoever.

seats for the Moslems are established, Moslem voters will not be in a position to exercise their power of voting freely, and Moslem interests will have no chance of representation. A Moslem elected from such a constituency will always be in the hands of the Hindus, and will never be able to stand for purely Moslem rights. He will be nothing if not a mandatory of the Hindus.

- (3) Election of Moslems in such joint electorates will further embitter relations between the Hindus and the Moslems, and will be a fruitful cause for constant friction. We will illustrate this by saying that in such an electorate if two Moslems stand, one a nominee of Hindus and the other a nominee of the Moslems, the latter will obviously have no chance. If two Moslems holding conflicting views came in, and the Hindus back one who is a supporter of their views, as the Moslems will be naturally opposed to such a candidate, an atmosphere of discord will be created, and the bitterness engendered will be further reflected in the everyday relations of the two communities.
- (4) In all joint constituencies the numerical strength of the Moslems being necessarily very weak, no Hindu need approach the Moslem voters, while the Moslem has no chance except by invoking the aid of the Hindu. The result is the Moslem is being put in a position of inferiority to the Hindu even in democratic institutions in the country, and the further logical sequence following this will be that the Hindus will swamp the election by men, both Hindu and Moslem, of his views, while the Moslem cannot in the least influence the elections.
- (5) Moslems standing against Hindu odds and wealth in joint electorates will emerge unsuccessful and financially a wreck. Therefore no Moslem, unless he is a protégé of Hindus, dare stand in joint electorates.

The avowed aim of the British Parliament is to grant to Indians responsible Government within the Empire. This is susceptible of successful fruition only if all the links in the chain of Indian nationalism are equally strongly forged. Unless and until the Moslem link is paid special attention to, will self-Government have any chance of success in this country? The Hindus have so far done nothing, and they refuse to do anything as the course of negotiations during the last few months has shown, to win the confidence of the Moslem minority. It is for the Government now to reassure the Moslem mind by guaranteeing to him the safeguard of his special rights, and by securing him separate seats by separate electorate. The member thus returned by separate electorate has manfully stood for the Moslem rights, has fought the Moslem battle, has represented to the Government the Moslem point of view. Could it for all this be ever said that he has ever betrayed the cause of the country in any one single instance? He has joined the Swarajist group, he has joined the Independent group in Legislature, and has in all cases thrown his weight on the popular side. He (i.e. coming from separate electorate) is a necessity both for the Government, for the country and for the community.

We hope it is clear that if joint electorates are alone restored, Moslems will be wiped out of the Legislatures. If seats are reserved for them in joint electorate, Moslems returned from these electorates will be Moslems in name only, they will be the protégés of the Hindus, and will in no way represent the Moslems.

A great deal has been lately made of the communal troubles. These are attributed to separate electorates granted to the Moslems. Any impartial observer of the trend of events will at once see the

hollowness of these illogical assertions. This is a pure innovation, and has been devised to sidetrack the issue. If separate representation has done anything, it has appeased the tension. The real cause of these disturbances is the determination of the majority community established in its own way its political dominance in India by wiping out and crushing the minority community which not long ago was its ruler.

This aggressive policy of the majority community has now taken a concrete shape in the origination of the Hindu Mahasabha, a politico-religious body, which now dominates and guides the action of the Hindu community, in spite of resistance and opposition from the Congress and the ineffective and mild persuasions of other Hindu political bodies, with the result that the Hindus as a community regard the Mahasabha as a genuine organ of their communal aspiration in political, social and religious matters. In our province the Mahasabha has already displaced the influence of the Congress and other political bodies in which the Hindu element predominates. The preachings and activities of the Mahasabha have brought about all the evils which are attributed to separate electorate. The followers of this organization interfere with the religious liberties of the Moslems, knowing that the community, though inclined to put up with every kind of iniquities, cannot tolerate in the least any violation of its religious rights. The hostility which the Hindu Mahasabha entertain towards the Moslems is manifested by their insistence on the playing of music before mosques just at the prayer time, and in such an aggressive way as to interfere with religious worship; in their parading the streets singing hymns excitable both in purport and prosody, in their staging tableaux vilifying the achievements of the greatest and noblest of the Moslems; in their describing the Moslem rule as the most tyrannical and one whose sole mission in India was forceful conversion of the Hindus to Islam and dishonour of their womenfolk. These activities of the Hindu Mahasabha have made communal riots the normal feature of the life of these provinces. The latest exhibition of the antagonism of the majority community towards the Moslem is the "Shuddhi and Sangathan" movements, whose preachers occupy the highest position in the political, economic and social life of the Hindus. No Moslem could possibly have any objection to these movements if they were pursued, one of them for the propagation of religious faiths and beliefs, and the other for the consolidation of Hindus. Indeed, we would welcome these movements if carried on within their legitimate ambit. But Shuddhi and Sangathan are preached merely to excite hatred against the Moslems. Shuddhi and Sangathan were started in 1923, after the possibilities of the Reforms had been realised by the majority community. The former aims at securing greater numerical superiority for the sake of canvassing political ends, while Sangathan is nothing but a combination of forces for assuming physical triumph against the Moslems. The aim and object of all these activities is to weaken the Moslem as much as possible in order to involve him in financial ruin and creating a feeling of dread in him. We have described this in some detail in order to expose the mind which is anxious to sidetrack the issue to cover its own machinations. The *raison d'être* of the Hindu mind is that he must create eventually a kingdom for the Hindu alone in India, and that all other communities must be so much reduced in numbers and strength that they must finally merge in them. The irony of the whole situation is that the Government of the land seems to have been so much overpowered by Hindu numbers and by their agitation, however spurious and artificial it may be, that it follows the line of the least resistance, with the result that the minority communities are beginning to lose faith both in its strength and policy. This augurs ill for the future peace and prosperity of the country. Another reason why this



charge against the separate representation is made is that the Moslem elected by means of the separate electorate feels quite independent of the Hindu, and is a free agent to represent boldly, to the power that may be, his grievances. This the Hindu does not like; he wants all his acts of unfairness and injustice to remain screened, indeed even under the Union Jack he wants to establish a despotic oligarchy for himself."

The above, though written for U. P., is, word by word, applicable to C. P. and Berar. Being numerically more weak than Moslems in U. P., we, the Mussulmans of C. P. and Berar, will be nowhere under the joint election with reservation of seats.

Now let us see the working of these Municipal Committees and District Councils. The separate election alone will safeguard our right as far as the entry of Moslem members is concerned, and this is not the only chief means for the safeguarding of Moslem interest. There must be effective safeguards for the education of our children, the representation of our community in the administration and the defence of our religious rights. Few members in a committee of four or five times more non-Moslem members can safeguard our interests. They may protest, and dissent, and go to the extent of getting their protest recorded, but it is insufficient. So not only that we should be adequately represented, but also some means be found to guarantee our proportion of grant for Moslem education, fair number of posts in each department of local bodies and good number of contracts for Moslem contractors.

Separate electorate alone is useless. We want it supplemented by effective safeguards for the defence of our rights. This may be against democracy or other theory of State, but it is based on painful experience of the working of these so-called democratic bodies. Let us examine how the majority community has distributed the power and influence. In practically every Municipal Committee and District Council, Hindus have elected chairmen of their own community. In whole of C. P. and Berar in the year 1925-26, out of fifty committees only one had a Mussulman chairman, and in the year 1928 there is again only three Mussulman Chairmen of the Municipal Committees. As regards District Councils, and Local Boards, the position is still worse. The Hindus can find Moslem chairmen in every town for the boycott of Simon Commission and for any and every political movement, when the Congress Committees are formed, and they find no Moslems in their rank, and when, as a community, Mussulmans refuse to join them, they catch hold of one or two Mussulman hirelings and make them Presidents and Vice-Presidents; but when they go to these Local Bodies and find that there goes power and prestige with the office-bearers, they deliberately exclude Mussulmans. In the year 1925-26, out of 100 Vice-Chairmen elected, not even twelve were Mussulmans. And in the year 1928, Moslems have fared still worse. Out of 45 Committees, for which figures are available, forty are entitled to elect two Vice-Chairmen each, and there are five committees that can elect only one each, thus making the Vice-Chairmen eighty-five in number, out of which fifteen are Mussulmans. There are thirty Committees, out of forty-five, which have non-Mussulmans as Vice-Chairman and two seats of Vice-Chairmen in these Committees have been monopolised by the Hindus. Position in the District Councils and Local Boards is still worse. There you will find Hindus as Chairmen and Vice-Chairmen in all the places, and it is the general accepted rule, and if there is any Mussulman it is exception to this general rule.

In the Municipal Act, it is provided that to bring in men of eminence, high qualification and having experience, the elected and nominated members are given power to select few members. This saves the candidate from the election fight and canvassing to a large body of voters. Here again the Mussulmans have been the greatest sufferers. In the year

1925-26, out of fifty Committees, in thirty-seven not a single Mussulman was selected. In the year 1928 Mussulmans have fared worse. Figures for forty-six Municipal Committees which have up till now held the selection are available. Out of these, there are thirty-one Committees which have the fortune of not having even one Mussulman as selected member, and in thirteen Committees one Mussulman in each Committee came in. Pro-Hindu attitude and tendency of the Local Government, which is responsible for all the above misfortune of the Mussulmans for not providing separate electorate for the Moslems, will be shown when we have the figures of fifty-five Committees in which Government nominated members are as many as two to four. Out of these thirty-six Committees could get no Mussulman. In fourteen Committees Government nominated one member in each. There is not a single Committee which got two nominated members from Moslem community.

Position of Mussulmans in Notified Area, Local Boards and District Councils, cotton grain and mining committees can well be seen by the subsidiary tables and summary attached with each. The tale is so pitiable that a glance at the figures will show the condition in which we Moslems have been put in.

#### SERVICES UNDER BODIES.

As these bodies contain an overwhelming number of Hindus, they are bent upon Hinduising every department and all Services. All the posts from top to bottom, with the exception of one or two unimportant posts have been captured by the Hindus. To put them in figures is useless. Suffice it to say that you will not find half a dozen Secretaries or Health Officers. Some old hands have been dismissed or their services dispensed with on the plea of retrenchment. In fact the avenue of services under the Local bodies whether Municipal or District Council are completely closed for Mussulmans and they have no chance at the hand of Hindu majority.

#### EDUCATION.

There is already a separate chapter on education hence I do not wish to repeat the same here. Suffice it to say that local bodies are deliberately trampling over our rights. Moslem children are compelled to learn Hindi in Nagri script and they have "violated all rules of neighbourliness, good taste and camaraderie by resorting to actions which have made an honourable existence for our community impossible." Hindu teachers are exclusively in local body schools. They try to kill our culture and civilisation.

#### CONTRACTS.

The natural tendency of the Hinduised committees and District Councils is to give all their contracts to Hindus and nobody else. Even Moslem contractors tendering low rates are not given contracts. Contracts, small or big, under these bodies are exclusively given to Hindu contractors. To collect figures is waste of time. They call it the spoils of office. As they have established complete Hindu Raj, the benefit in the hands of these bodies must go to their co-religionists. With Hindu P.W.D. committees, Hindu Chairmen, Hindu Secretaries, Hindu Engineers, and Overseers, it is no wonder that Hindus alone get all the contracts.

#### SLAUGHTER HOUSES.

All efforts are made by Hindu majority to close the Slaughter Houses within their area on one pretext or other. Unsuccessful attempts made at different places are well known. Various European J.C.S. Commissioners and Deputy Commissioners have been witness to the fact that their intervention alone has given us this essential article of food. The meat by hawking is being objected to. The Hindus want to stop the slaughter of all animals in general and cows in particular. Attempts are made to hamper the trade of butchers.



## SUB-COMMITTEES.

The functions and actual working of the Municipal Committees, District Councils and Local Boards are carried into practical effect through various sub-committees, such as City Site, Education, P.W.D., Finance, Working or Managing, Sanitary, Plague, special sub-committees. Positions of Mussulmans can better be imagined than described, in short, they are not seen in any such committees.

## GENERAL.

Majority is making detrimental effect on the house property of the Moslems. Applications of Mussulmans for house construction are rejected on petty technical grounds. Drainage is only confined mostly in Hindu quarters. Provision of light has the same monopolistic tendency. Hindu wards are lighted and Moslem wards are kept in darkness. The same treatment is as regards water. Water mains and standard pipes for public use are only put in wards and roads mainly inhabited by the Hindus. Though several Mandirs have been allowed to be built, and temples encroaching on Nazul and municipal lands are allowed to be built, whereas mosques for Mussulmans on the land belonging to Mussulmans are not allowed. Moslem institutions of charity, library, etc., receive very nominal (?grants), whereas Hindu institutions are handsomely given big grants for all sorts of purposes. As regards sanitation the same stepmotherly treatment is given to Moslem wards. The dominating majority of Hindus contemptuously disregard the Moslem feelings and abuse their powers in contravention of all laws and rules.

In short, we may say that all the local bodies of this province are Hinduised. Hindus have monopolised all the posts and services. Hindu language is thrust on the Moslem children; our religion, culture, civilisation, and historical importance are despised, discouraged and held up to ridicule. The Hindus, knowing that they are fully protected by the British troops, misuse the powers given to them under the Municipal and Local Bodies Acts for consolidation of their influence and power. Thus they trample over the rights of all minorities. They have not only killed Urdu, they force us to learn a new language. They have kicked away our contractors. The powers vested in these Acts touch us at all points in life. As they have been granted large and substantial powers, the same is being used against the Mussulmans.

In short, the majority community has failed to protect the rights of the minorities. There can be no stable constitution of India unless protection for the safeguard of the rights of the Mussulman minorities is guaranteed. There is no other way of returning Moslem representation but through separate election. The joint electorate has failed miserably to bring in our representation. Mussulmans in those towns where they are twenty-five to thirty per cent. of the population are represented by not more than ten per cent. of their members. The position of Moslem minorities is peculiar, and you, sir, should take note of it.

In conclusion, I would like to summarise the difficulties and hardships in which Moslems have been put by the majority community:—

- (1) The Moslems cannot be represented in any of the Municipal Committees, District Councils and Local Boards to the extent of their numerical strength demands, and in a large number of places where they are even twenty per cent. to thirty per cent. *not a single* Mussulman member has been elected, and this is the blessing of the joint electorate which has been thrust on us by the Hindu majority of the Legislative Council with Hindu minister for local self-government. More than seventy per cent. of Local and District Boards go without Moslem representation. Not one in ten to thirty Hindu members is a Moslem.

- (2) In election of office-bearers the same tale of Hindu monopoly is repeated. There are not more than six chairmen in the whole of C.P. and Berar in all the local bodies, which are more than two hundred.
- (3) In the sub-committees the same Hindu majority is seen.
- (4) In almost all local bodies, Moslem contractors are eliminated. For show, there may be one or two on the list, but they are not given any work.
- (5) All fair and unfair, open and secret attempts are made to stop cow-slaughter; the Burma meat trade of Saugor, Damoh, Rahatgarh and other places is destroyed and the legitimate trade of Mussulmans in this branch is stopped. Meat selling by hawking is not allowed in different places.
- (6) Not only Moslem servants under the local bodies are being dismissed one by one, but also every effort is being made to create difficulty in their fresh recruitment. There are Municipalities and District Councils which have not a single Mussulman in their service.  
You will not find a Moslem sanitary inspector, health officer, secretary, octroi superintendent, water works inspector or supervisor of school, as all these posts are held by Hindus only.
- (7) Moslem quarters are not getting full share of expenses for making roads, lights, and water-pipes. In short, Moslem quarters are ignored and their sanitation neglected.
- (8) Hindu majority in all the bodies does not like to pay anything for the primary education of Moslem boys through Urdu. All attempts are made to close Urdu schools and whereas Hindu religious institutions get large amounts as contributions, Moslem institutions are ignored altogether.
- (9) Moslems are not permitted to construct mosques, whereas Hindus are given permission at many places to erect temples, and they encroach upon municipal or Nazul land.
- (10) Applications in our national language (Urdu) are not accepted and Moslems are forced to put in applications in Nagri script.
- (11) Proceedings of local bodies are being kept in most of the places in Hindi (Nagri script) and the copies of the proceedings are sent to Moslems in Sanskritised Hindi. No provision is made to keep the same in Urdu.

After seeing the above pitiable condition of Mussulmans under Hindu majority, you will agree with us that unless fundamental safeguards for the Moslem minorities are guaranteed, there is no hope of justice to be done to our community. These are the rights of Mussulmans which must be guaranteed by the Parliamentary Statute, which should not be allowed to be altered by any Legislature in India, Central or Provincial. Parliament of Great Britain must guarantee these before any constitutional change is made, otherwise we will move heaven and earth to scrap it, if any constitution imposed on us without these essential safeguards.

- (1) Adequate representation of Mussulmans in each Municipal Committee, District Council, Local Board, Mining Committee, Grain Market Committee and Notified Area Committees be made through separate electorate by Moslem voters alone. Number of seats to be awarded by seeing the numerical strength, past historical and present political importance of the community are to be taken into consideration.
- (2) Representation of the Mussulmans in the services of the Local Bodies in all their branches in proportion of the seats held

by them be fixed. The recruitment, supervision, control and power of dismissal to be vested in a Provincial Service Commission. The Local Bodies are not to be allowed to dispense with or dismiss their servants and all this power to be vested in this commission.

- (3) Fixed percentage of grant in aid to Moslem institutions be paid according to the seats they hold in that body.
- (4) Safeguard for Urdu, its script, primary education, through Urdu is required for Moslem boys. Moslem Public and Moslem members to be supplied with all papers, publication record, notices, summons, and proceedings in their own language (Urdu).
- (5) Adequate number of contracts in quality and quantity to be given to Moslem Contractors.
- (6) The Local Government and the Governor should be given power to see that rights of Moslem minorities are not trampled upon.
- (7) No resolution or part thereof affecting any community, which question is to be determined by the community in the elected body concerned, shall be passed or given effect to if three-fourths of the members of that community oppose the resolution or motion or part thereof.
- (8) Sub-Committees of each elected body should be elected by single transferable vote to ensure representation of minorities.
- (9) Nomination of members should not be entrusted to any Minister, but a committee of 3, one European, one Hindu and one Moslem member of the council, should be appointed to select the members for nomination from the list submitted by the Deputy Commissioner and the Commissioner.
- (10) The Chairman of all local bodies should be alternatively Hindu and Mussulman, and out of two vice-chairmen one must always be Moslem.

#### STRANGLING OF OUR LANGUAGE.

The greatest drawback of the Government of India Act is the lack of fundamental safeguard for the protection of minorities in India. Nothing has been done to protect our national language—Urdu. It is in Urdu that our literature is enshrined, in it are preserved our historical, political and religious traditions. To it we owe the preservation of our political existence and cultural life. Our boy is not an isolated unit, but is a link in the mighty chain that stretches from one part of India to another. If he learns Hindi, he is completely cut off from that stream of Moslem culture and tradition, which is, and must always remain, the distinctive contribution of Islam to India. Consequently if a Moslem parent hears that Hindi is being forced down the throats of his little ones, he will rather forego all the advantages which education offers, than expose his son to a process which may de-Islamise him. This feeling is so keen, intense and vivid, and it is so well known to every one who has the least acquaintance with the educational movement and educational progress of this country, that we do not think it necessary to emphasise it here.

But persistent, organised and systematic attempt is being made to completely wipe out and kill our national language. We have no complaint if no other people use it, but to force our community to leave it is an endeavour which is rightly to be condemned.

The C. P. Gazette publishes the translation of all the bills and acts in Marathi and Hindi, but no translation of the same is being given in Urdu. Even the language, in Hindi, has the tendency of being Sanskritised rather than being made Hindustani. The summonses, Court notices and other orders are forced on Urdu-knowing Mussulmans in an unknown

language and Urdu summonses are nowhere to be found.

District Councils, Local Boards and Municipalities are making their office language Hindi instead of English and that also in Nagri script.

Out of 22 District Councils and about 100 Local Boards and 65 Municipal Committees, there are only few committees which can be numbered on fingers who pay little grant to Urdu Schools. In fact Urdu Schools are being systematically closed. Since 1922-23, Hindi, Marathi and Urdu according to local circumstances were introduced as the medium of instruction in the High Schools, and in Government institutions they were made compulsory. Only those schools which contained more than one section of a class were permitted to retain English as medium of instruction in one section, provided that there was a substantial demand for it on the part of minority communities. In the words of the Director of Public Instruction: "Except in the Muhammadan High School, Amraoti, where Urdu has been prescribed as the medium of instruction, one or other of the main vernaculars of the Province, Marathi or Hindi has been prescribed in all Government High Schools." This means in all the Government High Schools except, of course, the Muhammadan High School, Amraoti, the medium of instruction is Hindi or Marathi. The Director of Public Instruction admits that this had led to the sacrifice of the language of minorities. In the University, the same tale is to be told. No arrangement in any of the colleges of the Central Provinces has been made to give instruction in Urdu, though arrangement for studying Marathi and Hindi has been made in more than one College.

Above is the attempt made through Government and non-Government agencies. The Congressmen's attitude towards our language is more dishonest and misleading. The 14 districts of C.P. are called by the Congress Hindustani C. P., and it is told by Mahatma Gandhi and other Congress leaders that Hindustani is the language which can be written in either script Nagri or Persian. It is Hindi and Urdu both, but, in actual practice, what is being done is that a Hindi of highly Sanskrit type with Nagri script is used. To the outer world and Mussulmans Hindustani in name is shown, and whereas they (Hindus) also use a language which is high class Hindi with Nagri script. Their preceding books and records will vouchsafe the above statement.

In short the education of our boys through the medium of our language is being purposely neglected and a language that is devoid of our culture, sentiment and nationality is thrust down their tender throats.

The local bodies are not paying even a small fraction of their grants for Urdu schools. Government High Schools have excluded the Urdu language, and by making Hindi and Marathi as the medium of instruction are forcing our boys to leave Urdu altogether. The Government orders and summonses are being forced on us in another language. Government publication is being confined to Marathi or Hindi language. University has not arranged tuition in this language, and on top of this non-official agencies are bent upon killing this language and thrusting on us a script of Nagri.

We therefore state it clearly that we will not accept any constitution which does not guarantee us by a Parliamentary Statute an adequate safeguard for the Urdu language in the courts, Government Departments, Educational institutions, local and other elective bodies created and controlled by the Legislature. The above safeguard of our national language should be through the Parliamentary Statute and no local body or legislature in India should be allowed to touch it.

#### MOSLEMS AND UNIVERSITY EDUCATION.

The Calcutta University Commission, more often called the Sadler Commission, in its chapters 49, 33, 32 and 31, laid down certain principles. Without going into the details, which you, sir, will see yourself, suffice it to mention that the Sadler Commission laid down that in every important body

of the Universities Muhammadans should be given adequate representation. The Court of the University is the most important body and next to it is the Executive Council which carries out the policy of the Court. The Sadler Commission is emphatic and clear in its recommendation that good number of Mussulmans should be its members. Then the other important bodies in their turn are Selection Committee, different faculties and Academic Council. They ought to have adequate representation of the Moslems. The Sadler Commission further wanted a Moslem Advisory Board invested with great and very important powers. If I give the extracts from the able report of the Commission it will be sheer repetition, but I request you to read the chapter referred to above. It will show you clearly and plainly the type of University the Commission desired. Now let us see how far these recommendations have been carried out in our Nagpur University, and whether it has justified the hopes and expectations of the Commission. We do not object to the principle of Autonomy which the Act has conferred on the Nagpur University, but we strongly object to the deliberate, systematic manner in which the recommendations of the Sadler Commission—recommendations that were integral part of the Scheme formulated by the Commission—have been ignored and trodden down. No provision has been made for the establishment of a Moslem Advisory Board, and nothing has been provided in the Act to safeguard the interest of the Moslems. Natural result of this deliberate negligence of the claims of the Mussulmans is that Moslem interests have been jeopardised. In the election to various bodies of this University as well as in appointments Moslems have practically no chance of election or appointment. We declare that in these appointments as well as in the election to various bodies of the University, Moslem interest and Moslem claims have not been deliberately given due attention—they have simply been ignored. The Nagpur University in the opinion of our community is more or less a Hindu University, a "Bhonslai Varsity" as called by the students of the Hindi-speaking districts. We are nowhere to be seen in the Registrar's office, in the departments of teaching of this University and in its Colleges. We have absolutely no chance of winning seats in any one of these bodies whatsoever. It is our painful and bitter experience that such elections are being run on communal lines. As the Hindu voters are overwhelmingly in majority and the system of election is that much praised "joint one," Moslems are crushed at the altar of the so-called democratic system. In fact, sole monopoly has been established by the Hindus in all the bodies of the University and its teaching department. It is so strong and effective that no Moslem has any chance of advancement in the Nagpur University. That state of affairs is such that you will readily condemn it in no ambiguous language and take steps to reform it.

The Nagpur University was incorporated under C.P. Act No. V of 1923, known as Nagpur University Act of 1923, and the same having received the assent of the Governor-General of India on 6th June, 1923, came into force. Following are the officers of the University.

- (1) The Chancellor.
- (2) The Vice Chancellor.
- (3) The Treasurer.
- (4) The Registrar.
- (5) The Deans of the Faculties.
- (6) Such other officers as may be declared by the statutes to be officers.

For the last five years the Hindus have been enjoying the sole monopoly of the 'Varsity' in appointing the Chief Officers, the rest being the European servants of the Crown.

Under Section 15 of the Act following are the authorities of the University:—

- (1) The Court.
- (2) The Executive Council.

- (3) The Academic Council.
- (4) The Committee of Reference and
- (5) The Faculties.

I will take the above one by one and will show how they have been monopolised by the Hindus.

Leaving the Chancellor and the Visitor, who is the Governor of C.P. and Governor-General of India, who are Europeans, the Vice-Chancellor, the Treasurer the Registrar and the Assistant Registrar are all Hindus. In the Court as constituted under Sec. 16 (i) of the Act, the Governor of C.P. is the Chancellor, who is a European, Vice-Chancellor is a Hindu non-Official. Of the members of the Executive Council and Ministers of the Governor of the C.P. one is European I.C.S. and the rest three are Hindus. Judicial Commissioner and Bishop of Nagpur, who are members because of their posts, are Europeans. Representative of the Executive Council is a Hindu and five Deans of Faculties are all Europeans. Four members elected on Court are all Hindus. Four members elected by the Academic Council are all Hindus. The only exception is the one member nominated by the Local Government who is a Mussulman. Member elected by the registered graduates to the Legislative Council is a Hindu. Members of the Academic Council, who are Principals of the Colleges, are all Europeans with the exception of one who is a Hindu. Two members elected by the Faculty of Law are Hindus, out of three elected by Faculty of Art, one is a Parsee and two Hindus. All the three elected by Faculty of Science are Hindus. Three elected by the Faculty of Education, two of the Faculty of Agriculture are all Hindus. Out of five nominated by the Chancellor (the Governor) only one is a Mussulman, one European and three are Hindus again. Three elected by the Court are all Hindus. Out of two co-opted members one is a Mussulman and the other a Hindu. As ex-officio members, the Director of Public Instruction, Central Provinces, Inspector General of Civil Hospitals, Principal of Agriculture, Chief Conservator of Forests, Chief Engineer to the Government of C.P. Commissioner of Berar, Inspectors and Inspectress of Schools are all Europeans, and two representatives of the Legislative Council, two Headmasters of High Schools nominated by the Government and Director of Industries are all Hindus. In Class III under Section 16 (i) (xii) of the Act, Registered Graduates elected, on 8th January, 1927, 24 members, and all were Hindus. Not a single Mussulman graduate came in as a member. Under paragraph 2 (five) of the First Statutes Colleges elected 16 members and all the 16 representatives were Hindus, and in this also not a single Mussulman is seen. The Chancellor nominates 10 members under Sec. 16 (i) (xvi) of the Act, in which 2 are Europeans, 2 Parsees, 1 Mussulman and again 5 Hindus. In short, the Court has not a single Mussulman through any sort of election; three Mussulmans have been nominated by the Local Government and one is the co-opted member. This means that in all elections, whether by the Graduates or donors of different Faculties of Council or Executive Council, no Mussulman can hope to come in the Court.

Now I come to the Executive Council under paragraph 3 (i) of the First Statutes: out of 17 members 10 are Hindus, 5 are European officials, one Parsee and one Mussulman. The important point to note is that through election not a single person other than Hindu came. If the European officials were not then in their respective posts all the seats would have been captured by the Hindus. The solitary figure of a single Mussulman is due to the nomination by the Government.

The Academic Council consists of 38 members, and no Mussulman could come in through election by the Faculty of Law or Faculty of Art, or Faculty Science, or Faculty of Education, or Faculty of Agriculture or through election by the Court. Out of 4 nominated members there is only one Mussulman, who has been nominated by the Chancellor, and another came in by co-option. This means

that the whole Academic Council of 38 members has, by the grace of Government, one Moslem and one other by co-optation as member. The Committee of Reference consists of 15 members and there is only one Moslem in it. The Faculty of Arts consists of 36 members. There are 4 Mussulmans in this body, out of which 3 are there because of their being Professors of Persian and Arabic in different Colleges. In the Faculty of Science there are 16 members with not a single Mussulman. There is not a single Mussulman in Faculty of Education which has 9 members, in Faculty of Law which has 10 members, and in Faculty of Agriculture which has 12 members. Now the same tale is to be told about the Board of Studies. In English there are 8 members, out of which 2 are Hindus and 6 Europeans. In Philosophy, which consists of 6 members, 2 are Europeans and 4 Hindus. In History, out of 6 members, 3 are Europeans and 3 Hindus. In Economics out of 6, 2 are Europeans and 4 Hindus. In Sanscrit, Pali and Prakrit there are 9 who are all Hindus. In Persian and Arabic out of 8, 7 are Mussulmans, but even there a Hindu is again found. Modern European and Classical Languages are under the Europeans. In Political Science, out of 6, four are Hindus and 2 Europeans. In Modern Indian Languages out of 10 one is Mussulman and 9 Hindus. In Physics, Chemistry, Mathematics, Zoology, Botany, Law, Education and Agriculture there is not a single Mussulman.

The University Library Committee has 9 members, with only one Mussulman. In the Subject Examination Committees, except for Persian, Arabic and Urdu, all the members are Hindus save one or two Europeans.

The Finance Committee, the General Examination Committee, Extension Lectures Committee, Law College Committee, Special Examination Committee are solely and wholly composed of Hindu members with the solitary exception of one or two Europeans, who have won these seats through their high position in the Colleges or Educational institutions.

Representatives of the University on Inter-University Board, India; Board of High School Education C.P., and Berar C.P. Legislative Council and Court of India Institute of Science, Bangalore, all have been thoroughly Hinduised from top to bottom.

The above is the picture of the Nagpur University from within and without. This shows how the so-called "Cultured" and "Enlightened" body is communal-stricken. When the centre of learning consisting of educated people is so much communalised, no wonder the country is surcharged with it. The whole machinery from top to bottom is composed of Hindus. Wherever they had the power of election they had strictly excluded Mussulmans from it. When the whole structure is standing on communal grounds and is utilised for the sole benefit of one community, the natural result will be that all work will be done for that community only. Now I would like to show the result of the activities of this pure Hindu University. Let us take the list of examiners for the year 1927. Casual reading will show that the examinations of all subjects in all classes have been solely monopolised by Hindus alone for the sole benefit of Hindus. Examiners for Intermediate are all Hindus except of Persian and Arabic who are Mussulmans, and one or two Europeans. The same Hindu monopoly is to be found in the Degree examination of B.A., B.Sc., M.A., M.Sc., LL.B. and L.T. and Degree of Agriculture. There is one aspect of the question worth considering. The Examiners get remuneration, which is from Rs50 to Rs200 for setting a question paper and Rs1-8 to 2-8 for marking each answer book, besides the payment for practical examination (in Science), *visa voce*, etc. The University has thus paid Rs27,340 in one year only. The money-loving and gold-worshipping community is so selfish that it even cannot like the idea of sharing this amount with the other sister community. In fact, leaving few

hundred rupees to be paid to other community, the major portion of this sum, which will be not less than Rs27,000 has been swallowed by the Hindu Examiners. The mania for monopoly is so great that even in Persian, Arabic and Urdu a Hindu examiner is trusted.

As regards the Colleges maintained by the University, the University College of Law has got one Bengalee Principal and 4 lecturers, and all of them are Hindus. Following institutions are admitted into the privileges of the University.

- (1) Morris College, Nagpur—In this college English, French, and History Professors are Europeans, and the rest, 15 professors, are all Hindus, except for Persian, for which two Assistant Professors are, of course, Mussulmans.
- (2) Hislop College, Nagpur—The same story is of this college also, which is a missionary institution, and has 4 Europeans and 12 Hindu Professors. This college has no Mussulmans on the staff; even Persian Classes are not maintained though there are Marathi Classes with one Marathi Professor.
- (3) The Victoria College of Science, Nagpur—There are 2 Europeans and 11 Hindu Professors, Demonstrators and Assistant Professors. This college has the good honour of not having a single Mussulman in its staff.
- (4) The Robertson College, Jubbulpore—It has one European, one Indian Christian, one Parsee and 15 Hindu Professors with their Assistants and Demonstrators; the only exception being one Moslem Assistant Professor of Persian.
- (5) The King Edward College, Amraoti—It has one European, 2 Indian Christian, and 11 Hindu Professors, Assistant Professors and Demonstrators, with one Mussulman as Persian Assistant Professor.
- (6) The Spence Training College, Jubbulpore—It has one European and 6 Hindus on the staff, but not a single Mussulman.
- (7) Agriculture College, Nagpur—Out of 22 members on the staff, not a single Mussulman finds a place.

The above finishes the picture of the teaching staff of the Nagpur University.

Now to come to the result. Figures are available for the years 1924-27. It is just what can be anticipated when the atmosphere is surcharged with communal feelings and the chief officers of the University, members of the teaching staff and examiners are all Hindus. Students of other communities cannot fare better. For this reason alone, our promising students are compelled to seek admission into other Universities, which are free from communal contagion. These youths are kept away from the Government service on the unsound ground that they do not hold the degree of this "Nagpur University" which is "Marathi," in nature, spirit and character. Following is the number of successful students of different communities in various degree examinations from the year 1924 up to the year 1927:—

	Hindus.	Christians.	Mussulmans.
M.A.	47	1	3 (in Persian).
B.A.	360	5	26
M.Sc.	18	0	0
B.Sc.	102	0	0
LL.B.	170	2	0
L.T.	64	0	8
Intermediate Arts	271	4	14 (for the year 1927 only).
Intermediate Agriculture	16	0	1

One more difficulty which Mussulman students have to undergo is that their mother tongue is Urdu,

but not a single college in C.P. has made arrangements to give them lessons in it, though the same is one of the modern Indian languages. Naturally they are handicapped in this respect. Morris College, Nagpur, teaches Marathi up to M.A., and Hislop College up to B.A., and Robertson College, Jabulpore, has been allowed to teach Hindi up to M.A. Naturally, the question arises, what arrangement has the University made for those students who wish to take Urdu as one of the modern Indian languages? It would have put them to no extra cost if teaching of Urdu had been allowed through the Professors of Arabic and Persian. By not making arrangement for the teaching of Urdu in any of the colleges no student other than a teacher can be permitted to appear in this subject, because of their not having attended regular course of study in any of the recognised colleges.

The above statement will clearly show that the position of Mussulmans is scandalously nil and at stake in the University. Unless you, sir, step in, the Government is sure to sleep over this massacre of the Moslem interest. How is it possible for Moslem boys to get education in an hostile atmosphere and to show his real worth? In spite of all drawbacks the report of the Director of Public Instruction says :

"Muhammadan students have done well in collegiate education. The Principal, King Edward College, Amraoti, bears witness to the fact that in spite of their small numbers as compared with students of other communities in the college, the Muhammadan students have taken a prominent part in all phases of college life. They have shown energy and enthusiasm and have acquitted themselves extraordinarily well, exerting a healthy influence both in the class room and in general life of the college. Some of them have won Government and King Edward Memorial Scholarships and have distinguished themselves in the University examinations. They have also taken a prominent part in the University sports and in college games and have done well in the inter-collegiate debates of the Nagpur University Union."

In this communal-cursed country, where one God-made man is not touched by another, I say definitely, Hindu teaching staff, who control all the sphere of the Nagpur University, are generally unsympathetic to Moslem students. In fact Moslem students are badly treated and their religion is despised. Innumerable instances are found to insult them and to expose them to indignities. In spite of all this, our boys have shown their worth and are endeavouring to make great headway in college education. It is an honour to their religion and pride to their community to get the endorsement of the Director of Public Instruction as quoted above. If the situation is changed and a certain number of Professors, Readers and Demonstrators are put in from the Moslem community, the impetus to Moslems for higher education will be tremendous.

We are therefore of the opinion that we cannot have our claims at the mercy of the major community which is in power. Our interest at every stage of education has been trampled down. We are convinced that the only safeguard is by the insertion of our demands in the new Constitution of India with the clear mandate that no Legislature or other body in India should be allowed to touch it.

The paucity of Moslem teachers and students in Agricultural college, Engineering school, Medical school and Law college is such that your immediate attention is drawn to it. The number of students there is so small that they can be counted on fingers. The prospect of vocational training of our community is dangerously alarming. Unless seats are reserved for our students, there is no hope of their entry in these colleges.

Our recommendations therefore are :—

- (1) We are strongly of opinion that in all bodies of the Nagpur University, such as Court, Executive Council, and various committees, the number of Moslem members should be reserved and in none of these bodies their percentage be less than 25 per cent. In future no University in the province be allowed to be established unless this fundamental right of the Moslems is incorporated in its constitution. This does not mean that we object to the autonomy of the University, but what we emphatically object to is the failure to reserve our proportion in those bodies.
- (2) We strongly advocate that 25 per cent. of all appointments in the University and in each department of teaching be reserved for Moslems and unless this be done evidently Moslem students will not join in that number in which they ought to join in the University.
- (3) We propose that 25 per cent. of the students who are admitted to the colleges affiliated to the Nagpur University should be Moslems, and specially in the vocational colleges and schools 25 per cent. seats should be reserved for the Moslems and preference to this extent be given to them.
- (4) We further propose that the Nagpur University should establish chairs of Islamic History, Islamic Philosophy, Islamic Jurisprudence, Arabic, Persian, and Urdu. Though the course of study prescribed Urdu up to M.A. (one of the modern languages) yet no arrangement of its teaching has been done in any of the colleges. Immediate steps should be taken to make arrangements for it.
- (5) We are of opinion that election to different bodies of the University for the reserved number of Moslem seats should always be made through Moslem graduates and other class of electors from the Moslem community, and the election should not be made under the so-called joint ticket, because that will bring, though in name Moslem representatives, yet in fact it will be negation of all Moslem representative. Because their re-election will be at the mercy of the Hindu majority votes, they will never prove true to their community, but will always be the spokesmen of their electors, viz., the Hindus.
- (6) We take it a very serious matter that Hindus are holding monopoly as examiners for different examinations of the University. Not only that they swallow Rs27,000 every year under this head alone, but Moslem students are naturally the first who are kicked by them as failures. We therefore claim that not only 25 per cent. of the examiners should be Moslem, but the proportion of the money paid be fixed, because we are afraid that Hindu monopolists will put in any number of Moslem examiners, but they will send few papers for examination, hence strict proportion be made.
- (7) Immediately a Moslem Advisory Board be set up and the same should be invested with real powers as suggested in Calcutta University Commission report, and its formation, authority and powers should be clearly defined in the constitution, so that no law making or executive body can touch it or whittle down its powers.
- (8) Finally, we are of opinion that representation in the different bodies of the University, in the teaching staff and in the students should form a fundamental part of the constitution of India, and should not be

left to the mercy of the Hinduised legislature of the country.

#### POSITION OF MOSLEMS IN PRIMARY AND SECONDARY EDUCATION.

There has been a growing belief in some quarters for some time past that the Indian Moslems have earnestly and resolutely set themselves to the task of organising communal education. We do not know if there is any solid ground for such belief, but for Indian Moslems there may exist such belief; as far as the Mussulmans of Central Province and Berar are concerned, there is no remote chance of this belief even. No doubt the community is astir with new hopes and fresh desires. The problem of education too, one must acknowledge, has bulked large in recent communal discussions, but there is no attempt to solve the main educational problems of C.P. and Berar Moslems. Moslem education throughout the Province is, according to all reasonable standards, still in a backward state. The rate of educational progress amongst the Hindus is growing proportionately higher every year and the amount of energy that the Mussulmans have recently shown is not at all adequate to enable them to cover an ever-increasing distance that divides them from the progressive Hindu community. It matters little whether the number of Mussulmans receiving instruction in the public schools and colleges of the provinces has appreciably increased unless this increase helps to raise the percentage of the educated Mussulmans on the basis of their numerical strength in the population. The pace has got to be quickened considerably if the general educational level of the country is to be attained. But even more important than the rate of progress is the organisation of communal education in accordance with the communal needs. The rate of progress itself depends to a large extent on such organisation.

C.P. and Berar is one of the provinces where Mussulmans are only just beginning to see that they are hopelessly backward educationally.

The most glaring feature of the statistics relating to education in C.P. and Berar is the very low percentage of the successful Moslem candidates in the various examinations held by the Nagpur University, C.P., High School Education Board and Department examinations.

of British rule, there have been certain peculiar influences which have been operating with disastrous effect amongst the C. P. and Berar Moslems and have kept them so far behind the race. Hindus furnish perhaps the most remarkable instance in history of the adaptability of character to environment. He took to English education as a duck takes to water, with a facility that is amazing, as if he had no race or creed loyalty to which violence could be done, no sense of possession in some historic culture having its roots deep in history. His new acquisition brought him official favours, wealth and influence. With the taste of new power his appetite increased. He profited by his opportunities with masterly shrewdness. As a matter of fact he loomed with fearful dominance over the whole range of public affairs in the Province. He altogether suppressed the Mussulman who stood aloof from modern education. He swamped the new schools, monopolised the public services and created the sort of public opinion which became the only standard of judgment for the rulers in the administration of the province. The Mussulmans, forced to retire tortoise-like within their shell, almost lost the sense of their own individuality. The Hindu spirit pervaded every sphere of public life. It even invaded the schoolroom, and the Moslem boys in the public schools of the province have to learn text books even to-day which are saturated with the spirit of the Hindu mythology and ancient lore of Mahabharat. In brief, the Moslem problem of C.P. and Berar has all along been how to rescue the community from the thralldom of Hindu influence and set it on its legs again. Emancipation in its widest sense has been the one supreme need of the C.P. and Berar Moslems.

When the late Hon. Mr. Gokhale brought forward his Bill for compulsory primary education, the All-India Moslem League re-affirmed its resolution in support of the main provisions of the Bill "with some reservations to safeguard Moslem interests." The need for "reservations" must have been felt to have grown marked and insistent in view of the frank enunciation of the policy of Hindus with regard to language and kindred questions. It is useless at this stage to criticise or deplore the growth of narrow party passions and political shibboleths with which the natural development of a common Indian language has been sought to be arrested and

	1922—23		1923—24		1924—25		1925—26		1926—27	
	Total	Moslems	Total	Moslems	Total	Moslems	Total	Moslems	Total	Moslems
High School Scholarship and Entrance Examination .. .. .	1564	179	3951	344	1647	119	1768	176	1900	195
High School Certificate Examination .. .. .	507	32	589	44	406	27	425	24	556	37

FOLLOWING IS THE RESULT OF THE UNIVERSITY EXAMINATION FOR THE YEARS 1921—22 TO 1926—27.

Examinations.	Total	Moslems
M. A. final .. .. .	52	3
M. A. previous .. .. .	85	5
M. Sc. Final .. .. .	18	0
M. Sc. previous .. .. .	26	0
B. A. .. .. .	405	26
B. Sc. .. .. .	119	6
Intermediate .. .. .	978	61
L. T. (Teaching) .. .. .	64	8 (only from 1924 to 1927)
LL.B. .. .. .	256	7

The causes that have brought about this undesirable state of affairs are not far to seek. Apart from an instinctive hatred felt by the Moslems all over the country towards modern education in the beginning

suppressed. The one question with which the Mussulmans were very anxiously concerned was to make sure that in any scheme of mass education formulated and worked by the State, adequate provision is made for the instruction of Moslem boys through the medium of Urdu. If the compulsory primary education is to be introduced and is to come into force at the initiative of the local bodies which will enjoy extensive powers of control and even of taxation, the Mussulmans should have a right to insist on a legislative recognition of their claim that at any rate for the Moslem boys, whose mother tongue is Urdu, it shall be the medium of instruction. The constitution of the Local bodies and passing of the Primary Education Act in 1920 almost killed the Moslem minorities and their script and dialect. There is another matter in regard to which Mussulmans felt very natural apprehension, and this was

the question of the religious instruction of the Moslem boys in the primary schools. The period of the primary education is just the period of life when the young mind is most plastic, is directly under the sway of sense-impressions and receives, for good or evil, its initial impulse towards the evolution of character and personality. The Moslem parent would therefore be anxious to see that his boy is getting the necessary religious education along with secular training. This anxiety could have been and can be easily removed by setting apart a period for the religious instruction under communal control, supervised by the department. The Moslem demand for such provision is eminently just and reasonable. His religion is to a Mussulman an actual living reality. So, too, I believe, is his religion to the Hindu. It is to the abiding advantage of both the communities to see that their younger generation are reared in an atmosphere of reverence and faith. "Patriotism" and "Motherland" may be good rousing cries for corporate political action, but religion alone can educate the affection and impart that unity to individual life without which "Patriotism" and "Motherland" are barren superstitions. Mussulmans at any rate cannot afford to let their children grow in an atmosphere of chance morality and convictions reared by accident.

In the year 1926-27 the number of primary schools for boys in C.P. and Berar was 4,182, and there were 315,627 pupils reading in them, out of which 21,317 passed the primary examination; out of these, i.e. 315,627 pupils, there were 31,527 Moslem pupils, and if we go in detail, there are 242 Anglo-Urdu institutions with 17,389 pupils, but there are only two Government institutions. Besides the above there are 20 unrecognised institutions; thus the distribution is: C.P., 64, and Berar 178 schools for primary education of Mussulmans.

As regards the primary schools, teachers, including those employed in the primary classes of the vernacular middle schools, numbered 10,018, and out of these, 8,978 were employed in Municipal and District Council schools and 626 were employed in private-aided schools; of these 769 Moslem teachers are in District Councils and 417 Moslem teachers are in the Municipal schools and 157 Moslem teachers are in recognised private institutions.

#### MAKTAB, MULLAH AND PATSHALA SCHOOLS.

As regards Maktab, Mulla schools and Hindu Patshalas, following information will be useful, and clearly indicate the mentality of those who are controlling the local bodies.

	No. of institutions.	Pupils.	Expenditure from Local bodies.	Other private source.
			Rs	Rs
Maktab and Mulla schools for the Moslems ..	23	1099	175	7550
Patshalas for the Hindus ..	48	1206	3552	14584

As regards the training of teachers there are 1,137 scholars reading in the Normal and Training schools, and out of these there are 127 Moslems, but there is only one institution for Urdu teachers, having 87 teachers under training. There are 660 scholarships, out of which there are only 30 for Urdu teachers. Whereas all these scholarships are renewed in the second year and third, 30 reserved for Urdu teachers are not renewed and they are paid only for one year.

#### HIGH SCHOOL EDUCATION.

The High School Education Act, which was

brought into operation in August, 1923, has through the institution of the "High School Education Board" provided an opportunity of bringing public opinion to bear in an increased measure on the problems of secondary education. "The Director of Public Instruction is an ex-officio Chairman and the Deputy Director has been appointed Secretary of the Board by the Local Government. The Board includes also an Inspector of Schools, six head masters, representatives of the University, of the Training College, of Women's education, of Medicine, Commerce, Engineering, Agriculture, the Legislative Council, Local Bodies and minorities and two co-opted members. Considerable powers (including the power of recognition of High Schools and the prescription of courses of study and text books for High and Middle Schools) have been vested in the Board, and the maintenance of an efficient standard of High School education now lies mainly in its hand.

There are 24 Government, 4 Municipal, 15 Aided, and 2 Unaided High Schools. Out of the 15 Aided there are 4 High Schools run by Mussulmans from their private subscription, and out of 24 Government one is a High School for Muhammadan boys. As regards the pupils there were 3,185 students in Government, 302 in Municipal, 1,208 in Aided and 83 in Unaided institutions; total, 5,085, out of which 424 are Mussulman students.

Representation of the Mussulmans in the High School Education Board is only due to the Government nomination, and there are no reserved seats for the Moslems. Through election they have not any remote chance of representation.

Moslem representation in the teaching staff is very small. Following figures will tell their own tale. In the Indian Educational Service there are 12 Europeans and 4 Hindus, out of which there is not a single Mussulman. As regards Inspectors of Schools who are 4 in number, though there is one Mussulman as officiating, but no permanent. Out of 8 Assistant Inspectors of Schools 6 are Hindus, 2 Mussulmans. Of the 74 Deputy Inspectors of Schools 8 are Mussulmans and the rest Hindus. Though there are 6 Inspectresses and Assistant Inspectresses of Schools, out of which not a single one is Mussulman. There are in all 610 teachers in the trained and untrained grade of High and Anglo-Vernacular Schools, out of which 94 are Mussulmans, who are mostly in the lower grade. There are few Europeans still left in the Educational service, but according to the report "the European male element in the services is gradually disappearing owing to the stoppage of recruitment and the retirement of officers," and "it is safe to assume therefore that in the absence of recruitment to fill posts which have long remained vacant, the European element in the Indian Educational service will disappear during the next ten or twelve years at the latest." In other words, as the Moslems have no chance in the recruitment, the services in the Educational Department will fully be monopolised by the Hindus within the next ten or twelve years, and there will hardly be any Moslem to look after the interests of his community in the all-important Educational department.

#### MEDIUM OF INSTRUCTION.

"The Vernacular, Hindi, Marathi or Urdu, according to local circumstances, was introduced as the medium of instruction in the High Schools in 1922-23." The above is from the Government Report and looks very nice, but in the next paragraph it is written: "The introduction of the vernacular has complicated the problems of administration both with regard to instruction in the schools and with regard to the conduct of examinations. Except in the Muhammadan High School, Amraoti, where Urdu has been prescribed as the medium of instruction, one or other of the two main vernaculars of the province, Marathi or Hindi, has been prescribed in all Government High Schools. To prescribe both vernaculars as media in any one school would be

likely to involve a duplication of staff and buildings. Consideration of economy has therefore of necessity limited the prescription to one vernacular for each school, the particular vernacular chosen being the court language of the district. This has led to the *sacrifice of the language of minorities.*" Continuing, the Report said: "In such districts pupils in schools which maintain only one section in the High School classes are faced with the alternative of learning through the medium of a vernacular with which they are not familiar or migrating to schools which provide instructions in their mother tongue."

In other words out of 28 Government and Municipal High Schools there is *only one High School* at Amraoti which has Urdu as medium of instruction, the doors of all these 27 institutions are closed for Moslem boys whose mother tongue is Urdu. In plain words the Hindu Minister, the Hinduised Educational Department of the C.P. does not wish that Moslem boys should take any advantage of the Government and Municipal High Schools. If there had not been 4 aided Moslem High Schools as against 11 Hindu aided institutions then the outlook for the Moslem secondary education would have been worse.

The Government Report on Education says: "Of the high schools, one is the Government Muhammadam High School, Amraoti. The remaining four are the Anjuman High School, Nagpur, the Anjuman High School, Jubbulpur and the two Bohra High Schools at Burhanpur. . . . There has been a general consolidation and improvement in every circle, and signs are not wanting that the Muhammadan community is taking an increased interest in education. The Inspector of Schools, Nagpur, reports: "Steady rise in the number of Urdu schools indicates the growing desire among the Muhammadan community in the circle to have facilities for educating their children." Continuing, the Report says: "In Berar, where the demand for instruction through the medium of Urdu is most widespread, the Inspector of Schools reports that there is much cause for gratification. The Urdu classes attached to Anglo-Vernacular Schools are now well established and without any apprehension or doubt as to their future. Secondly, the aided and recognised Anglo-Urdu school at Khangaon, and the effort to establish similar institutions at Yeotmal and Kali, are a distinct advance with regard to the attitude of the Muhammadan community. This is the first time in the history of Muhammadan education in Berar that private Muhammadan enterprise has shouldered a part of the burden of secondary education in Berar and there are signs of desire for further advance, and another high school for West Berar is importantly sought for by the community. Their case is now before the Local Government. Besides this, several towns would like to have Anglo-Urdu schools, but the community being poor, private enterprise cannot shoulder the burden."

If one reads the above remarks from the Government Report carefully, he will understand that in spite of the community being poor, the Moslems have taken increased interest in education through private enterprise. The surprising part of the whole show in this province is that the education through the Government agency is confined to Hindus. All the High Schools, Government and Municipal, are reserved for Hindus, except one. The same is the condition as regards Anglo-Vernacular Middle schools. Out of 152 Anglo-Vernacular Middle Schools 11 are for Mussulmans, which are mostly run by Mussulmans privately, aided by Government. Our definite charge against the Hinduised Government of C.P. is that though Mussulmans pay rent, taxes and revenue in proportion to their population, but the doors of the Government institutions are closed for their boys. By making Hindi or Marathi as the medium of instruction in most of the Government and Municipal schools (High and Middle) the Mussulman students had to go away without education or to incur extra expenses and migrate

to near-by towns where there is a Moslem Private School, and that is more difficult because of the poverty in the community, and so in many cases they have to remain without any education. Is this not shameful, that out of 28 High Schools controlled by the Government and Municipalities, except one, the remaining 27 are for Hindus and Hindus alone? Not only the teaching staff is Hindu, but the way the admission is done and other reasons, the doors of these institutions are practically closed for the Moslem boys.

*Vocational Education.* The Government report is silent about the progress of the Mussulmans in the Medical, Engineering and Agriculture education. In fact the position of the Mussulmans in this branch is sadly deplorable. It is still worse than what they have done in other sections. Following figures tell their own tale:—

COMPARATIVE STATEMENT OF PUPILS IN DIFFERENT INSTITUTIONS.

Institutions	Europeans and Anglo-Indians	Indian Christians	Hindus		Mussulmans
			High Caste	Depressed Classes	
Medical Schools ..	0	7	228	0	11
Normal Training Schools ..	0	12	964	31	127
Engineering Schools ..	1	5	174	3	12
Schools for defects ..	0	0	18	0	0
Schools for adults ..	0	0	251	280	154
Other Schools ..	0	0	92	0	0
Law College ..	1	1	183	0	9
College for teachers training ..	0	4	103	0	13
Agriculture College ..	0	1	88	6	6

The pitiable position of students of Moslem community in the above institutions is due mainly because of the absence of the Moslems from the teaching staff and also because of the partiality shown in giving admittance in these institutions. Agriculture, Medicine and Engineering is wholly and solely monopolised by the high caste Hindus, and the sooner this monopoly is broken the better for the minorities.

The third difficulty is of not giving any scholarship or stipend to Moslem students. There are 10 scholarships awarded annually to sons of agriculturalists in high schools to encourage them to join the Agriculture College after completing their high school course. For the College itself 16 Scholarships of the value of Rs12 per mensem, of which eleven are available in the Degree Class, are allotted among students of the first year of the intermediate, primarily to the sons of agriculturalists and in accordance with their ability as shown after joining and their means. Eight scholarships of the face value of Rs15 per mensem are available, each year for students in the second part of the course studying for the degree of Bachelor of Agriculture. These stipends are given by the Department of Agriculture and require that the holders will serve in the department on qualifying should the same need their services. In addition there are two scholarships of the annual value of Rs120, the gift of the Society of Agriculture and Industries and tenable in the Intermediate or Certificate classes, and another of Rs13 per mensem, termed the Makrai Scholarship, reserved for students from that State or from the Hoshangabad district. Though for the education in Agriculture so many scholarships and stipend are given, but not a single one is reserved for Mussulmans. The Hindu staff and the Hindu officials distribute this solely to the Hindu boys, and the result is disastrous to our poor community.



In Medicine the same poor result is seen. Though there are scholarships in good number of the value of Rs15 and Rs25, tenable in the Medical School, Nagpur, again the Mussulmans are getting no advantage out of it. The department, being Hinduised from the top to the bottom, has not reserved any scholarship or stipend for the Moslems, all are being awarded year by year to Hindus and that also of high caste.

The same story is of the Engineering School. Unless a fixed number of scholarships are not awarded to Moslems every year this monopoly will not break.

**Female Education.**—When the condition of the education of Moslem males is so bad, the position of female education is naturally worse. The state of affairs is so bad that to put figures is sheer waste of time. We only state bare facts to show the most pitiable state of affairs regarding Moslem female education.

and nothing has been done to open separate schools for girls. As in all the Government as well as Local bodies schools Hindi is the medium of instruction, it has been impossible for the Moslem girls to leave their mother tongue and learn a new language, natural result is neither in the past nor in the future any Moslem girl will ever attend any of the Hindi Government or Local Body's school. This is the main cause coupled with the total absence of Moslem lady teachers from the staff. In short, the money spent on female education by the Government and Local Bodies, in which Moslems contribute their fair share, is used only for Hindus, and Moslems are not getting even a fraction of the same.

We have dealt with the deplorable position of Mussulmans in the University education, in the primary, secondary education and vocational training, and in the last paragraph we have dealt with the girls' education. Now we would like to draw your

#### RACE OR CREED OF SCHOLARS IN FEMALE INSTITUTIONS IN 1926-27

	Europeans and Anglo-Indians	Indian Christians	Hindus		Moslems	Parsis	Sikhs	Others	Totals
			High Caste	Depressed Classes					
Population, total ..	3,025	15,903	45,47,169	12,98,279	2,68,646	798	479	—	69,61,361
PRIMARY									
1st class .. ..	402	919	10,976	533	2,273	140	10	292	15,554
2nd „ .. ..	134	475	2,867	80	383	36	5	71	4,051
3rd „ .. ..	114	525	2,220	65	252	23	0	49	3,248
4th „ .. ..	117	581	1,578	45	136	18	2	28	1,505
MIDDLE									
5th class .. ..	0	339	253	3	10	0	0	5	619
6th „ .. ..	50	184	130	1	3	11	0	0	401
7th „ .. ..	43	118	64	0	1	15	0	0	237
8th „ .. ..	44	74	34	0	0	13	0	0	163
HIGH									
9th class .. ..	0	27	21	0	1	0	0	0	49
10th „ .. ..	21	27	25	0	0	3	0	2	78
11th „ .. ..	12	31	13	0	0	0	0	0	56
No. from above in recognised institutions	946	3,298	18,190	727	3,068	259	26	447	26,961
Do. in unrecognised institutions ..	0	104	385	0	418	0	0	0	907
Normal and training schools .. ..	0	105	117	5	1	0	0	0	228
Technical and Industrial Schools ..	0	96	5	0	0	0	0	0	101
Schools for Adults ..	0	0	218	44	0	0	0	0	264

The above state of affairs is due mainly to the special needs of the community and the Hinduised Government deliberately ignoring those necessities and needs of the Mussulmans as regards the education of girls. The total expenditure on girls' schools was Rs5,15,776, in the year 1926-27 and we dare say that even a fraction is not paid or spent on the Moslem girl education. Whatever we see the number of girls in primary schools, it is being maintained by Moslem private agency aided but mostly unaided by local bodies. In fact, these 5 lakhs are swallowed by the Hindus and spent on the sole education of Hindu girls. There has been no improvement made in the curricula of girls' schools of any grade. No arrangement made by the Education department for the supply of Moslem-trained efficient teachers,

attention to another aspect of the situation. Numerically we, the Mussulmans in these Provinces, are weak and "to adopt numerical proportion as the basis of calculation in the matter of education of such a backward but important community as the Mussulmans of the Provinces is not only unfair but also misleading." Our educational needs should be determined by our status, past history and present condition in the country and the "principle that numerical strength is not the only criterion for determining the question of communal rights and interests has now been accepted as a fundamental principle by the Government of India and Parliament.

In the matter of figures and population of Hindus and Mussulmans there is more than one point to note. For the purpose of numerical strength Hindus count

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

Jakhs of untouchables and call them Hindus, but the following will show how the higher class Hindus gain the educational advantages:—

## NUMBER OF SCHOLARS OF DIFFERENT RACES.

	Hindu High Caste	Hindu Depressed Class
Primary Education	2,17,188	38,376
Middle .. .. .	31,737	1,358
High .. .. .	4,168	60
Inter college .. .. .	752	5
Degree classes .. .. .	424	5
Post graduate .. .. .	62	0

The foregoing will show that although the Depressed Classes outnumber the high caste Hindus in population, in education they are nowhere, and still the number of these illiterate untouchables is counted by the Government in working out the percentage and deciding the fate of Moslem education. Let us examine the literacy of the different castes in comparison to Mussulmans.

The literacy table below will clearly show in average Hindu literacy is much higher than the Mussulmans. As compared with high caste Hindus who are the real monopolists of power, wealth, and education, Mussulmans are nowhere. To add into the Hindus, to make their percentage low, untouch-

## FOLLOWING FIGURES SHOW LITERACY ACCORDING TO RELIGION.

	Total Population.	Literate or able to read or write.	Illiterate.	English- literate.
All religions .. .. .	1,59,79,600	6,61,553	1,53,18,107	64,708
Hindus .. .. .	1,31,31,802	5,42,201	1,25,80,511	42,574
Jains .. .. .	69,794	33,635	50,552	1,333
Mussulmans .. .. .	5,82,032	68,599	5,15,442	6,600
<i>High caste</i>	Literacy of Hindu castes			
Brahmin .. .. .	4,57,377	107,949	3,49,428	20,737
Kayasth .. .. .	34,380	10,423	23,907	2,362
Rajput .. .. .	4,55,422	33,941	4,21,481	3,771
Bania .. .. .	2,04,500	50,172	1,54,328	2,187
	11,51,629	202,485	9,49,144	29,057
Total Low Castes .. .. .	1,19,80,173	3,30,806	1,16,40,367	13,527
Ahir .. .. .	4,10,228	7,370	40,2,858	589
Barhai .. .. .	97,046	6,026	91,020	244
Basor .. .. .	29,366	70	29,296	4
Bharia (Bhuria) .. .. .	34,781	24	34,759	0
Bhil .. .. .	21,634	65	21,569	—
Bhilala .. .. .	13,633	207	13,426	32
Bhoyar .. .. .	58,348	1,203	57,145	23
Chader .. .. .	24,826	309	24,517	1
Chamar .. .. .	8,81,674	3,700	3,77,968	152
Darhayat .. .. .	7,588	315	7,273	2
Dangi .. .. .	17,806	1,137	16,669	5
Darji .. .. .	50,579	6,395	44,184	433
Dhangar .. .. .	17,343	533	16,810	21
Dhimar .. .. .	2,62,303	3,338	2,58,965	113
Dhobi .. .. .	1,65,024	3,477	1,62,147	126
Gadaria .. .. .	20,823	1,205	28,618	57
Ganda .. .. .	95,868	493	95,375	6
Ghonsi .. .. .	7,529	225	7,304	1
Gond .. .. .	21,09,583	10,927	20,98,656	263
Gowani .. .. .	1,15,782	986	1,14,796	23
Gujar .. .. .	50,232	2,197	48,035	21
Halha .. .. .	30,904	632	30,272	12
Kachchi .. .. .	1,11,327	2,192	109,135	101
Kahar .. .. .	12,322	136	12,186	5
Kalar .. .. .	1,88,681	12,389	1,76,292	577
Katia .. .. .	36,573	544	36,029	20
Kawar .. .. .	85,878	457	85,421	3
Kirar .. .. .	42,487	1,857	40,630	12
Kol .. .. .	78,079	121	78,558	1
Korku .. .. .	1,26,599	151	1,26,448	2
Korhti .. .. .	1,30,609	9,186	1,21,423	410
Kumhar .. .. .	1,21,408	2,514	1,18,894	168
Kunbi .. .. .	12,37,713	50,131	11,87,582	1,534
Kurmi .. .. .	2,72,404	11,330	2,61,065	262
Lodhi .. .. .	2,95,612	9,377	2,86,235	321
Lohar .. .. .	1,74,187	5,383	1,68,802	272
Mali .. .. .	3,57,859	12,340	3,45,519	514
Mehra .. .. .	11,70,737	16,201	11,54,536	373
Nai .. .. .	1,60,122	6,497	1,53,625	270
Oraow .. .. .	72,909	103	72,806	0
Panka .. .. .	1,27,575	1,931	1,25,644	90
Sawara .. .. .	55,702	294	55,408	17
Sunar .. .. .	1,29,380	18,161	1,11,219	718
Teli .. .. .	8,90,240	27,648	8,62,592	826
Wanjni .. .. .	44,232	481	43,751	5

ables and Depressed Classes who are still in a very primitive state of civilisation is absolutely wrong. These low caste Hindus are not given any benefit of school, college or University education, and they never get a remote chance of getting any share of office or service. In other words, "their number is always included in calculating the percentage in order to lay the foundation for claiming their share of the benefits, while those benefits are actually monopolised by the caste Hindus to the exclusion of such untouchables and Depressed Classes." If you will read the Government report carefully, you will see that the higher caste Hindus alone flood the educational institutions and services.

There is another aspect of the question which deserves earnest consideration. It cannot be denied that for all practical purposes it is only the urban population which takes to the secondary and collegiate education. Therefore, when estimates are made of the proportionate progress of Mussulmans in the higher education, the total population should not be taken into account, but the calculation should be confined to the urban population. If we see the position of Mussulmans through this way, then it will be clear that our position is still worse.

Though out of a total population of C. P. and Berar, 82 per cent. are Hindus, but their population in towns and municipalities is only 79 per cent. Out of the total population of C. P. and Berar, 4½ per cent. are Mussulmans, but their population in towns and municipalities is 16 per cent., and out of the total population of C. P. and Berar 13 per cent. are Animists, but their population in towns and municipal areas is only 1 per cent.

The above will clearly show that we are 16 per cent. in the towns and municipal areas, and not 4½ per cent., which is the basis of calculation at present. And if further figures are quoted we can prove to the hilt how backward we have become because of the anti-Moslem policy of the Hinduised Government, we, who have been noted for the culture, enlightenment and energy have been so much deliberately neglected as to become one of the "Depressed Classes."

In spite of the fact that the Government of India, through the Honourable Mr. Sharp, in Letter No. 563-595, dated the 3rd April, 1918, invited the attention of all local governments to the subject of Muhammadan education. The Government of India, he said, are "anxious that all reasonable facilities should be provided for the education of this backward community," but though various Local Governments appointed committees to report on the subject our Local Government did nothing of the kind. No scheme for opening Islamic schools was formulated, and no special officer appointed to see that Moslem education received its adequate share of revenue. Here we wish to write and copy in full the opinion of various Government high officials written from time to time on this all-important subject, and would like to show that all these were ignored by the C. P. Government, and since the advent of the Reforms the Hindu Ministers are simply ignoring them purposely.

Sir William Hunter wrote in 1871, and though so many years have passed, his remarks regarding Moslem education are true to-day as they were in 1871, and though the same were written for Bengal they are no less applicable to C. P. Moslems. He wrote: "The truth is that our system of public institution ignores the three most powerful interests of the Mussulman heart. In the first place it conducts education in the vernacular of Bengal, a language which the educated Mussulman despises, and by means of Hindu teachers. The Bengalee schoolmaster talks his own dialect, and a vile Urdu, the latter of which is, to him, an acquired language as much as it is to ourselves. Moreover, his gentle and timid character unfits him to maintain order among Mussulman boys. "Nothing on earth," said a Muhammadan husbandman recently to an English official, "would induce me to send my boy

to a Bengalee teacher." In the second place, our rural schools seldom enable a Moslem to learn the tongue necessary for his holding a respectable position in life and for the performance of his religious duties. Every Mussulman gentleman must have some knowledge of Persian, and Persian is a language unknown even in our higher class district schools. Every Mussulman from the highest to the lowest, ought to say his prayers in one of the sacred languages, Persian or Arabic, and this our schools have never recognised. In the third place, our system of education makes no provision for the religious education of the Muhammadan youth. It overlooks the fact that among the Hindus a large and powerful class has come down from time immemorial for the supply of this part of a boy's training, while among the Muhammadans no separate body of clergy exists. Every head of a Mussulman household is supposed to know the duties of his religion, and to be his own family priest. Ministrations are, indeed, conducted at the mosque, but it is the glory of Islam that its temples are not made with hands, and that its ceremonies can be performed anywhere upon God's earth or under His heavens. A system of purely secular education is adopted to very few nations."

In 1854, the Court of Directors, through Sir Charles Wood, in his famous despatch on education wrote:—

"We shall receive any proposition which may appear to be likely to supply the wants of so large a portion of the natives of India."

Soon after the Hunter Commission made the following recommendations:—

- (1) "That the special encouragement of Muhammadan education be regarded as legitimate charge on Local, Municipal and Provincial funds."
- (2) "That special standard for Muhammadan Primary schools be prescribed."
- (3) "That indigenous Muhammadan schools be liberally encouraged to add purely secular subjects to their courses of instructions."
- (4) "That Hindustani (Urdu) be the principal medium for imparting instruction to Muhammadans in Primary and Middle schools except in localities where the Muhammadan community desires that some other language be adopted."
- (5) "That the official vernacular in places where it is not Hindustani (Urdu) be added as a voluntary subject to the curriculum of Primary and Middle schools for Muhammadans maintained from the public funds, and that arithmetic and accounts be taught through the medium of that vernacular."
- (6) "That where necessary a graduated system of special scholarship for Muhammadans be established; to be awarded (a) in Primary schools, and (b) tenable in Middle schools."
- (7) "That in all classes of schools maintained from public funds a certain proportion of free studentships be expressly reserved for Muhammadan students."
- (8) "That in places where educational endowments for the benefit of Muhammadans exist and are under the management of Government, the funds arising from such endowments be devoted to the advancement of education among Muhammadans exclusively."
- (9) "That where Muhammadan endowments exist and are under the management of private individuals or bodies inducement by liberal grants in aid be offered to them to establish English-teaching schools or colleges on the grant in aid system."
- (10) "That where necessary normal schools or

classes for the Muhammadan teachers be established."

- (11) "That wherever instruction is given in Muhammadan schools through the medium of Hindustani, endeavours be made as far as possible to appoint Muhammadan teachers to give such instructions."
- (12) "That Muhammadan inspecting officers be employed more largely than hereto for the inspection of Primary schools for Muhammadans."
- (13) "That associations for the promotion of Muhammadan education be recognised and encouraged."

In 1924, His Honour Sir James (now Lord) Meston in the Government resolution number IV, paragraph 1, in the following words wrote: "It is useless to ignore the fact that in existing conditions the ordinary board schools do not and cannot adequately cater for certain sections of the community and for the education of these sections special measures must, therefore, be taken."

Question of education of Mussulmans was the subject matter of a resolution as early as of the August, 1871, when Lord Mayo wrote:—

- (1) Further encouragement should be given to classical and vernacular languages in all schools and colleges.
- (2) English schools should be established in avowedly Muhammadan districts; the appointment of qualified Muhammadan English teachers might, with advantage, be encouraged.
- (3) As in vernacular schools, so in avowedly English schools, assistance might justly be given to Muhammadans by grant in aid to create schools of their own.
- (4) Greater encouragement should also be given to the creation of vernacular literature for the Muhammadans.

The U.P. Government, in their resolution Number 1011/XV, dated 25th August, 1914, sanctioned the appointment of a Muhammadan Inspector for the province and Muhammadan Deputy Inspectors for the different divisions. It further established provincial and district Maktab committees and special provision made to appoint Mussulmans as teachers and as members of the inspecting staff, and the resolution continued, said: "The Boards are being asked to insist that Muhammadan boys be freely admitted and properly treated in schools where Hindus predominate." The resolution further urged, "that special facilities should be given for spreading primary education among the Mussulmans by efficient teaching in the Persian script, and by establishing Moslem schools in any town or village where the attendance of at least twenty boys is guaranteed and by allowing the use of special readers suited to the requirements of the Mussulmans and approved by the Maktab committees."

Every Local Government did something or other to provide facilities for Moslem education, but we in C.P. got nothing out of it. As long as the education was under the pre-Reform system our appeals had a remote chance of acceptance, but since the advent of Reform and Hinduisation of the Education department our claims are not even thought over. In fact, we are being deliberately kept in ignorance. The local bodies, who are aggressively Hinduised, have now the control of the primary education and they purposely do not wish to help Mussulmans in this direction. The Hindus directly and openly wish to kill Urdu, and it is sheer nonsense to expect that they will agree to spend a pie on an education which is done through it. In spite of their wish there are Urdu schools under municipal committees, but every effort is made to starve them of their necessary requirement. It is interesting to note that not a single Urdu school was opened by any local body since same have been democratised. The local

bodies are invested with enormous powers and the Act has imposed no check. The primary education being one of the strongest elements in raising the economic, social, and material welfare of a community, the majority used it deliberately, systematically and effectively to kill it.

In this province the Local Government with successive Hindu ministers did nothing for the Moslem education. It is only private enterprise which is doing something in this direction. No special Muhammadan inspector has been appointed, not even a special officer appointed to look after the Moslem education. Opening of Maktab and Islamia schools was never thought of, even. There is no way and no fixed rules under which the local bodies can be forced to pay even a fraction of their income for the Moslem education. The most thorny question is of language. The Hinduised Government, the local bodies, and the Education department want Mussulmans to learn through an alien language—Hindi; and no Mussulman can agree to leave Urdu and kill his own mother tongue. The paucity of Moslems in teaching staff and in inspecting staff is fast growing and nothing is being done to recruit Moslems for the posts of teachers and as members of the inspecting staff. The same Hindu monopoly reigns in secondary education. Not only that, the doors of all the Government High Schools are closed for Mussulmans because of the medium of instruction which is fixed either Hindi or Marathi. Here, again, the Moslem staff is nowhere seen. In the question of scholarship the Moslems are treated as if they do not exist in the province. In the vocational training, their position is made still worse. Admission in the engineering, agriculture, veterinary, science and medical institutions is confined to Hindus, and under the plea of the test examination Mussulmans are rigidly excluded.

Question of questions as regards Moslem education is the question of language. Though we have referred more than once to this thorny question, we cannot rest content unless we have dealt with it exclusively once more. Primary education and Urdu is one and the same so far as the Mussulmans are concerned. If Urdu is to be sacrificed, we deprive five lakhs of Moslems—and these the best of Moslems, if heredity counts for anything—of their mother tongue, in which they think to-day. In addition to this, we deprive them and the remaining millions of Mussulmans of the consolation which their religion has to offer to them. For our part, we think it is the loss to the latter whose mother tongue is not Urdu that is irreparable. It is possible for Mussulmans, as it is being made possible for Hindus in Northern India, to give up the use of a familiar Persian word or Arabic expression and substitute for it a strange word or expression from Sanskrit for ordinary purposes of life. Time and use would make strange phrases familiar, and time and disuse would make familiar phrases strange. But what of the familiar word and phrase of the religious literature? Language is the expression of thought and where thought differs so radically, as in Islam and Hinduism, can the same language express it adequately in each case? Consider it whatever way you like; it has to be confessed in the end that Urdu is the irreducible minimum to which the most compromising Mussulman could consent. Not that there is no room in Urdu for a larger admixture of Sanskrit words, but they can glide in naturally and smoothly; they cannot be pushed in by force. In the intercourse of India with other Asiatic countries, at least, it is not Sanskrit but Arabic and Persian that will be of use. To exclude from the *lingua franca* of India the only source of help in its intercourse with other Asiatic countries, is not patriotism, nor business, but sheer imbecility.

This brings us to the question of a script, though we are concerned here mainly with that of language. Islam was neither insular nor peninsular, and if Mussulmans lacked something in their love for the land they lived in, they have been charged with a

little too much of it for the lands of others. Their conquests brought them worldly gain and afforded them facilities for conversion. Just as in the case of European nations to-day, commerce follows conquest, in the history of Islam the faith followed the flag. For a world-wide empire a common language was an impossibility, and as we have shown, Arabic was not imposed on the conquered lands. But a common script facilitated a common understanding, and to-day, while Arabic, Persian, Pushto, Urdu and many other languages are used by Moslems, the Arabic script is common to all. Here, again, the irreducible minimum was found by people ready to compromise. Efforts are now being made in India to have a common script. So long as Islam remains a world-wide religion and Mussulmans retain their present sympathies with other Moslems, no matter where they be, Indian Mussulmans cannot give up their present script for Devnagri. We have heard a great deal about the scientific character of the latter, but few of its advocates have examined its suitability for transcription of Arabic words, and all seem to ignore the fact that the Arabic script is, perhaps, the only form of shorthand which is common blessing for many millions. Granting for argument's sake that Devnagri is more scientific, does it entitle it to any greater consideration than that which such a shrewd and businesslike nation as the Americans paid to Mr. Roosevelt's short list of phonetically-spelt words? And, finally, in the matter of script even more than in the case of language, the general adoption of Devnagri to the exclusion of Arabic character would be to curtail the facilities of intercourse between India and other countries. As Punjab, U.P., C.P., and Mussulmans of other provinces only read through Urdu, to force another language with Nagri script on the Mussulmans is to force them to be completely cut off from their brethren outside their province.

The only conclusion at which we can arrive is that neither in the matter of language nor in that of script can the Mussulmans afford to concede more than what they have already done in adopting Urdu as their only vernacular and retaining the script that is practically common to the Islamic world. But unless we take practical steps to safeguard the language and "the script, both are endangered by the narrow and exclusive nationalism" which is growing more and more militant every day.

After dealing with the all-important question of language and script in detail, suffice it to say that as the local bodies are being Hinduised, unless the primary education for the Mussulmans is put on surer ground we have no chance of getting any benefit through them; on the contrary there is going on an active movement to wipe out our language and script. In short, we want Urdu schools for our boys and girls, and that also in good number.

The other condition which is also very important is the inclusion of Moslem teachers in the primary schools. It is far from our wish to state that all Hindu teachers are unsympathetic. But we dare say it with great conviction, and that also after seeing the work of Hindu teachers, that the class of people from which the Primary School teachers are recruited is generally unsympathetic to Moslem students. But this question cannot arise if Urdu primary schools are opened in greater numbers, and as they will be exclusively for Moslems all the teaching staff must come from this very community. The difficulty arises in Anglo-Vernacular Middle Schools. And we are obliged to state that in schools which are almost staffed by Hindu teachers Moslem students are treated badly; their religion is despised and they are exposed to insults and indignities which we as a high-spirited community cannot possibly endure. Many Hindu teachers are now imbued with a missionary spirit and they use all devices to spread Hindu culture and inculcate Hindu ideals in the minds of tender children.

As the education is a transferred subject the Government is helpless, and the Hindu Minister, the

Hinduised education department and the Hindu monopolised local bodies, which control the education from the first stage to the last, can do anything they like. We therefore request that our demands should be included into the fundamental safeguards and be put in the constitution of India by Parliamentary statute so that nobody be allowed to touch it in India.

(1) As the majority community has done absolutely nothing for our education, on the other hand they have deliberately tried to kill our language and script and have Hinduised the whole educational department and our claims have been completely ignored, hence our demands in this connection should be embodied into an Act of Parliament and nobody in India from a local body to the highest assembly of the State should be allowed to touch it.

(2) An adequate and substantial share of grant in aid be fixed for Moslem education, and each local body and the Government should be compelled by law to spend such portion of the grant in aid on Moslem institutions.

(3) Provision for instruction to Moslem children in Urdu schools and opening of such Urdu schools where more than ten Moslem students could be found. Maktabas and Mulla schools to be given substantial grants in aid.

(4) Sufficient number of Moslem members in the Education sub-committees of each Local Body.

(5) A special Inspector of Muhammadan education be appointed for the whole province and except Moslem education no other duties should be assigned to him. His office establishment should be an integral part of the office of the Director of Public Instruction. This post must be immediately created, and the same should carry the status and position of a Divisional Inspector.

(6) In every circle there should be an Assistant Inspector of Schools for Moslem education, under whom there should be Deputy Inspectors of Schools in each district to look after Islamic schools and Maktabas.

(7) In each district there should be formed under the law Moslem Educational Committees; their chairman should be a Government Moslem servant of high rank and the Moslem Deputy Inspector as Secretary. The powers of appointment, leave, dismissal, transfer, control of all Islamic schools and Maktabas should be vested in these committees and their position and status should be equal to the Education Sub-Committees of the Local Bodies. And the Local Bodies should not be allowed to take any action on any question regarding Moslem Education unless it comes through this Moslem Educational Committee.

(8) The annual budget prepared by this committee shall be incorporated in the general educational budget of the Local Bodies. Instead of the savings of the budget being lapsed it should be lawful for this Moslem Educational Committee to spend it for the Moslem education.

(9) The Moslem Education Committee shall have power to select candidates for the teachership in the vernacular training schools, training classes and normal schools. The Committee be empowered to correspond directly with the Education Department officials. The Committee should also prepare an annual report on the Moslem education, and it should incorporate all proposals made by the Committee and rejected by the Local Body. The Committee be supplied by the Local Bodies all the figures of general education, so that this committee could make out a comparative statement of Moslem education.

(10) Primary Education should only be given to Moslem boys in Urdu language and through Moslem teachers.

(11) Fixed proportion of free and half-freeships and scholarships for Moslem boys be fixed, and it should not be less than 25 per cent. of the total.

(12) Female education should be under the Moslem Education Committee to be formed as stated above.

(13) Provincial grant for Moslem primary education be separately put under a Provincial Moslem

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

Educational Committee, and the same will alone be responsible for its distribution.

(14) In the Anglo-Vernacular middle schools and high schools Moslem students should not be forced to study through the medium of Hindi. Urdu section should be opened and if no such arrangement is possible, then English should be the medium of instruction for Moslem boys. On no account should Moslem students be forced to read through Hindi. In all schools Urdu classes for Moslem boys be opened enabling them to take Urdu as one of the vernaculars. Where there are sufficient number of students arrangement for teaching of Persian and Arabic as one of the optional classics be made.

(15) In all Government and Municipal Middle and High Schools at least 25 per cent. of the teaching staff should be Mussulmans.

(16) The curriculum of studies for Islamic schools should be drawn by the Provincial Moslem Education Committee.

(17) The High School Education Board should have 25 per cent. of its members from Moslem community and the election of the same be done by Moslem electors, say Moslem graduates, Moslem institutions, etc.

(18) There should be more Muhammadan Government High Schools and Middle schools on the type of the Amraoti Muhammadan High School at different centres.

(19) Moslem representation in the Committee of courses and studies be fixed and no "body" constituted under this High School Education Board should be without Moslem representation.

(20) In the examiners very few Moslems are found and therefore we urge that 25 per cent. of the examiners for the High School and Middle School examinations be from the Moslems.

(21) Moslem girls teachers training school be opened immediately so that trained female teachers be made available.

(22) In the Inspecting Agency sufficient number of Moslem Inspectors of Schools be appointed.

(23) Special High Schools for Mussulmans be opened at least in each division and an Anglo-Vernacular Middle School in each district.

(24) Twenty-five per cent. of all seats be reserved for Moslem students in Engineering, Medical and other vocational institutions and fixed number of scholarships be kept reserved for them. The test examination either should be done away with, otherwise the Mussulmans having the minimum required qualification be taken in the classes of the above schools.

(25) Moslem teachers in the vocational institutions be appointed at once.

(26) In the Agriculture and Training College, seats for Moslem boys be at once reserved and scholarship separately allotted for them.

(27) The Provincial Moslem Education Committee which is to be immediately formed should consist of elected Moslem representatives of the Moslem councillors of C. P. representatives of the Islamic High and Middle Schools; the Director of Public Instruction and the special Inspector of Moslem Education as President and Secretary respectively.

COMPARATIVE STATEMENT OF THE MUSSULMAN MEMBERS AND OFFICE-BEARERS WITH POPULATION FIGURES OF THE MUNICIPAL COMMITTEES OF CENTRAL PROVINCES AND BERAR FOR THE YEAR 1928.

Num- ber.	Name of Municipal Committee.	District.	Elected members.		Selected members.		Nominated members.		Chairman.		Vice- Chairman.		Voting strength.		Population.				
			Tot'l.	Mos- lems.	Tot'l.	Mos- lems.	Tot'l.	Mos- lems.	Tot'l.	Mos- lems.	Tot'l.	Mos- lems.	Tot'l.	Mos- lems.	Hindus.	Moslems.	Total.		
1	Nagpur .. ..	Nagpur ..	38	2	4	0	4	0	1	0	2	0	48	2	1,18,155	16,984	1,15,155		
2	Rainetk .. ..	do. ..	8	1	0	0	0	1	1	0	2	0	12	1	7,981	187	8,880		
3	Kalmeshwar .. ..	do. ..	10	1	0	0	0	1	1	0	0	0	18	1	4,513	433	4,951		
4	Unner .. ..	do. ..	9	1	0	0	0	1	1	0	0	0	18	2	14,198	722	15,061		
5	Mowar .. ..	do. ..	10	2	2	2	0	1	1	0	0	0	14	1	4,351	390	4,785		
6	Saoner .. ..	do. ..	10	2	0	0	1	1	1	0	0	0	16	2	6,529	165	7,078		
7	Katol .. ..	do. ..	11	0	0	0	0	1	1	0	0	0	25	1	8,568	918	9,795		
8	Tumsar .. ..	Bhandara ..	8	0	0	0	0	1	1	0	0	0	14	0	6,093	446	6,692		
9	Pauni .. ..	do. ..	10	2	2	0	0	1	1	0	1	1	17	3	5,551	876	10,181		
10	Gondia .. ..	do. ..	11	2	2	0	0	0	1	1	1	1	18	2	8,810	1,231	10,617		
11	Chanda .. ..	Chanda ..	11	2	0	0	0	0	1	1	1	1	15	0	20,015	1,714	22,981		
12	Warora .. ..	do. ..	8	0	—	—	—	0	1	1	0	0	10	1	7,054	1,004	8,800		
13	Wardha .. ..	Wardha ..	—	—	—	—	—	—	—	—	—	—	—	—	13,329	1,538	16,011		
14	Arvi .. ..	do. ..	16	0	—	—	—	—	—	—	—	—	—	—	11,265	1,452	13,218		
15	Deoli .. ..	do. ..	12	1	0	0	0	1	1	0	1	0	11	1	4,551	359	5,901		
16	Hinganghat .. ..	do. ..	12	3	0	0	0	1	1	0	0	0	19	1	14,451	2,008	17,200		
17	Pulgaon .. ..	do. ..	8	0	0	0	1	1	1	0	0	0	10	1	6,385	649	7,415		
18	Balaghat .. ..	Balaghat ..	10	0	0	0	0	1	1	0	1	0	11	1	6,096	1,027	7,300		
19	Jubbulpur .. ..	Jubbulpur ..	23	6	6	6	0	0	1	0	3	1	12	2	75,755	21,812	1,08,792		
20	Schora .. ..	do. ..	8	0	0	0	0	1	1	0	2	0	14	2	6,630	641	6,587		
21	Murwara .. ..	do. ..	10	1	2	0	0	1	1	0	0	0	14	2	16,123	2,745	19,682		
22	Saugor .. ..	Saugor ..	13	0	0	0	0	1	1	0	2	0	10	1	29,216	8,010	39,219		
23	Deori .. ..	do. ..	6	0	2	0	0	1	1	0	—	—	—	—	4,351	642	4,559		
24	Etawah .. ..	Saugor ..	8	3	0	0	0	0	—	—	—	—	—	—	6,766	1,661	9,226		
25	Kharai .. ..	do. ..	7	1	0	0	1	1	—	—	—	—	—	—	4,231	1,270	6,078		
26	Damoh .. ..	Damoh ..	13	0	1	1	1	1	1	0	2	0	20	2	11,174	2,831	15,296		
27	Seoni .. ..	Seoni ..	12	1	0	0	0	1	1	0	0	0	16	2	8,740	1,103	12,772		
28	Mandla .. ..	Mandla ..	12	1	0	0	0	0	1	1	0	0	17	1	8,840	2,102	12,048		
29	Hoshangabad .. ..	Hoshangabad ..	12	1	0	0	0	0	1	1	0	0	17	1	8,840	2,102	12,048		
30	Harda .. ..	do. ..	14	5	1	1	1	1	1	0	1	1	20	6	9,029	2,608	11,077		
31	Seoni Malwa .. ..	do. ..	10	1	1	1	1	1	1	0	1	1	16	2	4,529	245	6,901		
32	Sohagpur .. ..	do. ..	11	1	0	0	0	1	1	0	0	0	17	2	4,529	245	6,901		
33	Betul .. ..	Betul ..	13	2	0	0	0	1	1	0	0	0	17	2	7,365	917	8,755		
34	Chindwara .. ..	Chindwara ..	13	1	—	—	—	1	—	—	—	—	—	—	9,676	2,351	13,303		
35	Pandhurna .. ..	do. ..	12	2	—	—	1	1	1	0	2	0	10	1	7,520	818	8,611		
36	Sauser .. ..	do. ..	8	1	1	1	0	1	1	0	2	0	19	2	6,997	1,965	9,829		
37	Narsinghpur .. ..	Narsinghpur ..	12	1	1	0	1	1	1	0	2	0	11	1	6,997	1,242	8,529		
38	Gadarwara .. ..	do. ..	9	1	1	0	1	1	1	0	0	0	11	1	8,408	717	9,565		
39	Chota Chindwara .. ..	do. ..	6	0	0	0	0	0	1	1	1	2	10	2	21	10	12,701	2,017	15,218
40	Burhanpur .. ..	Khandwa ..	18	8	0	1	0	1	1	0	1	1	26	5	20,821	6,017	25,331		
41	Raipur .. ..	Raipur ..	19	3	0	0	0	1	1	0	2	1	14	1	10,855	918	12,721		
42	Dhamtari .. ..	do. ..	10	0	0	0	0	1	1	0	2	0	16	2	8,283	818	11,721		
43	Drug .. ..	Drug ..	9	1	0	0	0	1	1	0	2	0	14	1	32,079	7,407	40,621		
44	Amraoti .. ..	Amraoti ..	18	7	4	1	4	0	1	0	2	1	26	8	8,412	839	4,775		
45	Ellichpur City .. ..	do. ..	18	7	3	1	1	1	1	0	2	1	24	8	16,211	7,205	24,891		
46	Ellichpur Civil Lines .. ..	do. ..	19	0	2	1	1	1	1	0	2	1	13	1	28,491	8,337	37,801		
47	Akola .. ..	Akola ..	18	4	4	1	0	1	1	0	0	0	11	3	12,699	3,929	16,447		
48	Aket .. ..	Akola ..	10	4	0	0	0	1	1	0	1	1	13	5	8,823	4,175	12,615		
49	Karanja .. ..	do. ..	9	1	0	0	0	1	1	0	0	0	13	2	8,032	2,537	10,971		
50	Dasin .. ..	do. ..	9	1	0	0	0	1	1	0	0	0	13	2	12,701	2,017	15,552		
51	Murtizapur .. ..	do. ..	9	0	0	0	0	1	1	0	0	0	15	4	4,499	969	5,801		
52	Beldana .. ..	Buldana ..	9	—	—	—	—	0	1	0	2	1	16	2	12,202	2,112	14,821		
53	Shegaon .. ..	do. ..	10	—	—	—	—	1	1	0	1	1	16	4	9,475	4,620	11,947		
54	Malaspur .. ..	do. ..	10	—	—	—	—	1	1	0	1	1	16	4	14,511	1,751	17,024		
55	Yectmal .. ..	Yectmal ..	7	—	—	—	—	0	1	0	2	0	9	1	5,559	562	6,841		
56	Wun .. ..	do. ..	7	—	—	—	—	—	—	—	—	—	—	—	5,559	562	6,841		
57	Digras .. ..	do. ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

(Figures for the blank columns are not available).

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

Summary of the Statement on the subject of Municipal Committees of 1928.

## ELECTED MEMBERS.

*Zero Moslem Members.* Election figures for 54 Committees are available. Following 13 Committees are so fortunate as not to get even one elected Mussulman member through the Joint Electorate—(1) Ramtek 8. (2) Katol 11. (3) Tumsar 8. (4) Warora 8. (5) Pulgaon 8. (6) Balaghat 10. (7) Saugor 13. (8) Deori 6. (9) Damoh 13. (10) Chota Chindwara 6. (11) Dhamtari 10. (12) Ellichpur C. S. 9. (13) Arvi 16. (Total number of members selected are printed after each Committee's name).

*One Mussulman Member.* Following 16 Committees could get only one member each through the Joint Election. Total number of members are shown after it—(1) Kalmeshwar 10. (2) Umrer 9. (3) Deoli 6. (4) Sehora 9. (5) Khurai 7. (6) Seoni 12. (7) Seoni Malwa 10. (8) Sohagpur 11. (9) Chindwara 13. (10) Samsar 8. (11) Narsinghpur 12. (12) Gadawara 9. (13) Drug 9. (14) Hoshangabad 12. (15) Basim 9. (16) Wun 7.

*Two Moslem Members.* Following 13 Committees could get only two members through Joint election out of the members noted after each Committee's name. (1) Nagpur 38 (2) Mowar 10. (3) Saoner 10. (4) Pauni 10. (5) Gondia 11. (6) Chanda 11. (7) Nurwara 10. (8) Mandla 12. (9) Betul 13. (10) Pandhurna 12. (11) Murtizapur 9. (12) Shegaon 10. (13) Malkapur 10.

*Three Members and more.* There were only five Committees in which three Mussulmans came in, and in Akola out of 18 members 4 Moslems were elected, in Harda out of 14 5 Moslems, and in Amraoti and Ellichpur city out of 18 members 7 Mussulmans came at each place through the election.

## SELECTION.

Figures for selection of members for 46 Municipal Committees are available; out of this there are 31

COMPARATIVE STATEMENT OF THE MUSSULMAN MEMBERS AND OFFICE-BEARERS WITH POPULATION FIGURES OF THE MUNICIPAL COMMITTEES OF CENTRAL PROVINCES AND BERAR FOR THE YEARS 1925-26.

Number.	Name of Municipal Committee.	District.	Elected Members.		Selected Members.		Nominated Members.		Chairman.		Vice-Chairmen.		Voting strength total.		Population.		
			Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Total.	Hindus.	Mussulmans.
1	Nagpur .. ..	Nagpur ..	58	4	4	0	7	1	1	0	2	1	51	6	1,45,193	1,18,165	16,928
2	Umrer .. ..	do. ....	9	1	1	0	1	1	1	0	2	1	14	2	16,091	14,189	722
3	Kalmeshwar ..	do. ....	9	1	1	0	0	0	0	0	2	1	14	3	4,613	4,613	233
4	Saoner .. ..	do. ....	10	2	3	1	0	1	0	1	2	0	10	2	7,078	6,020	455
5	Katol .. ..	do. ....	10	2	3	2	2	0	—	—	—	—	—	—	9,795	8,668	918
6	Chanda .. ..	Chanda ..	11	1	2	1	1	1	1	0	2	1	18	4	22,981	20,043	1,744
7	Warora .. ..	do. ....	9	4	1	0	0	1	0	2	1	1	11	6	8,805	7,064	1,004
8	Hinganghat ..	Wardha ..	12	4	2	0	2	1	0	1	1	0	10	0	17,290	14,401	2,088
9	Deoli .. ..	do. ....	5	0	1	0	1	0	1	0	2	0	9	0	5,991	5,451	369
10	Pulgaon .. ..	do. ....	18	0	1	1	1	0	1	0	2	0	12	0	7,413	6,355	649
11	Arvi .. ..	do. ....	12	0	2	0	1	1	0	1	0	1	17	2	15,348	11,265	1,432
12	Hoshangabad ..	Hoshangabad	12	0	2	0	3	0	1	0	1	0	17	2	12,048	8,810	2,102
13	Sohagpur .. ..	do. ....	11	4	2	0	2	1	1	0	2	1	14	1	7,053	4,829	1,924
14	Seoni Malwa ..	do. ....	10	1	1	0	2	0	1	0	2	1	14	1	6,004	4,982	845
15	Harda .. ..	do. ....	14	5	2	1	3	0	1	0	—	—	—	—	11,077	8,029	2,608
16	Itarsi .. ..	do. ....	10	3	2	—	3	0	1	0	—	—	—	—	7,007	5,159	1,256
17	Khandwa .. ..	Nimar ..	17	6	2	1	4	1	—	—	—	—	—	—	26,309	18,618	2,917
18	Burhanpur ..	do. ....	18	9	3	0	4	1	—	—	—	—	—	—	35,916	22,847	12,761
19	Betul .. ..	Betul ..	13	3	2	1	3	1	1	0	1	0	18	2	6,773	5,368	247
20	Narsinghpur ..	Narsinghpur	12	3	2	0	3	1	1	0	1	0	18	5	5,839	4,997	1,005
21	Chota Chindwara	do. ....	6	0	3	0	3	0	1	0	2	0	12	2	5,836	3,108	727
22	Gadawara .. ..	do. ....	9	2	1	0	3	0	0	1	0	1	12	2	8,539	6,007	1,242
23	Chindwara ..	Chindwara	13	1	2	0	4	1	1	0	2	0	19	2	18,383	9,676	2,351
24	Fandura .. ..	do. ....	12	1	—	—	—	0	—	—	—	—	—	—	5,611	7,680	812
25	Sauner .. ..	do. ....	8	1	—	—	—	0	—	—	—	—	—	—	5,318	4,283	356
26	Jubbulpur ..	Jubbulpur	23	7	3	0	6	1	1	0	3	0	32	8	1,08,793	78,755	23,312
27	Sehora .. ..	do. ....	9	0	1	0	2	0	1	0	2	0	16	0	6,387	5,630	644
28	Katni Murwara	do. ....	10	2	2	0	3	0	1	0	—	—	—	—	16,682	16,128	2,746
29	Saugor .. ..	Saugor ..	13	0	—	—	3	0	2	0	—	—	—	—	39,319	20,240	8,010
30	Khurai .. ..	do. ....	7	0	1	1	1	0	1	—	—	—	—	—	4,078	4,234	1,275
31	Bina Itawa ..	do. ....	8	2	—	—	2	0	1	0	—	—	—	—	9,226	6,766	1,561
32	Deori .. ..	do. ....	6	0	2	0	2	1	1	0	—	—	—	—	5,369	4,361	642
33	Damoh .. ..	Damoh ..	13	1	2	0	3	1	1	0	—	—	—	—	16,296	11,174	2,831
34	Mandla .. ..	Mandla ..	11	2	2	0	3	0	1	0	2	0	18	3	5,784	7,407	1,163
35	Balaghat .. ..	Balaghat ..	10	2	2	0	3	0	1	0	—	—	—	—	5,400	5,966	1,026
36	Raipur .. ..	Raipur ..	19	4	2	0	4	1	1	0	2	1	26	6	36,341	30,824	6,017
37	Bhatapara ..	do. ....	4	1	—	—	—	1	1	—	—	—	—	—	4,714	4,130	499
38	Dhamtari .. ..	do. ....	10	1	2	0	—	—	—	1	0	1	16	2	24,290	19,886	918
39	Bilaspur .. ..	Bilaspur ..	11	1	3	0	—	—	1	0	—	—	—	—	11,274	9,983	878
40	Drug .. ..	Drug ..	9	0	1	1	1	0	1	0	2	0	15	1	10,207	8,246	1,909
41	Buldana .. ..	Buldana ..	9	1	—	—	—	1	0	—	—	—	—	—	37,804	28,401	3,237
42	Jalgaon .. ..	do. ....	8	4	—	—	2	0	—	—	—	—	—	—	10,971	8,053	2,657
43	Akola .. ..	Akola ..	0	0	—	—	—	—	—	—	—	—	—	—	16,881	12,099	3,920
44	Basim .. ..	do. ....	9	3	2	1	0	2	1	0	—	—	—	—	10,662	8,039	2,107
45	Ahot .. ..	do. ....	10	3	—	—	—	0	1	0	—	—	—	—	17,538	15,348	1,864
46	Murtizapur ..	do. ....	0	2	—	—	—	0	1	0	—	—	—	—	13,646	8,628	4,176
47	Yeotmal .. ..	Yeotmal ..	14	1	2	0	2	0	1	0	—	—	—	—	7,857	5,528	1,920
48	Karnaj .. ..	do. ....	9	3	2	0	3	0	1	0	—	—	—	—	6,841	5,659	866
49	Digra .. ..	do. ....	7	0	—	—	—	1	3	1	0	—	—	—			
50	Wun .. ..	do. ....	7	0	—	—	—	—	—	—	—	—	—	—			

Figures for the blank columns are not available.

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

## SUMMARY.

The table of 1925-26 shows the state of affairs and the chief points to be noted are :—

- (1) Out of fifty Municipal Committees for which efforts have been made to compile the statistics, there are ten, in which not a single Mussulman has been elected.
- (2) There are more than ten Committees in which only one seat out of as many as even fourteen seats have been filled in by Mussulmans through election.
- (3) There are more than thirteen Committees in in which two seats have been captured by Mussulmans through elections.
- (4) Out of selected members there are thirty-seven Committees in which not a single Mussulman member has been selected.
- (5) As regards the election of Chairman, there is not more than one Committee in all the

fifty Committees where a Mussulman can find himself as Chairman.

- (6) Fate of the election of Vice-Chairman is just the same, and in all about one hundred Vice-Chairmen elected there are not even twelve Mussulman Vice-Chairman in the whole province.
- (7) Voting strength is just what is anticipated.
  - (a) There are four Municipal Committees in which not a single elected, selected, nominated member nor any office bearer is Mussulman.
  - (b) There is not a single Committee in which Mussulmans are more than six out of even fifty-one seats.
  - (c) There are seven Municipal Committees in which, including Government nominated members, there is only one Mussulman representative.

## COMPARATIVE STATEMENT OF LOCAL BOARD AS ELECTED IN 1928.

No.	Name of Local Board.	District.	Elected Members.		Appointed Members by Government		Elected Chairman.		Vice-Chairman Elected.		Voting Strength.	
			Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Moslems.
1	Mekhar .. ..	Buldana ..	14	0	4	1	1	0	1	0	19	1
2	Jalgaon .. ..	do. ..	10	0	3	1	1	0	1	0	15	1
3	Chikhli .. ..	do. ..	15	1	3	1	1	0	1	0	18	1
4	Khamgaon .. ..	do. ..	10	0	3	1	1	0	1	0	14	1
5	Malkapur .. ..	do. ..	14	1	4	1	1	0	1	0	19	2
6	Wardha .. ..	Warora ..	17	0	..	..	..	..	..	..	..	..
7	Arvi .. ..	do. ..	18	0	..	..	..	..	..	..	..	..
8	Hinganghat .. ..	do. ..	12	1	..	..	..	..	..	..	..	..
9	Akola .. ..	Akola ..	12	1	4	2	1	0	0	0	18	2
10	Akot .. ..	do. ..	12	1	4	1	1	0	0	0	17	3
11	Balapur .. ..	do. ..	11	0	3	1	1	0	0	0	15	2
12	Basim .. ..	do. ..	15	0	3	1	1	0	0	0	19	1
13	Mangrul .. ..	do. ..	10	0	3	1	1	0	0	0	13	1
14	Murtizapur .. ..	do. ..	10	2	3	3	1	0	0	0	13	2
15	Seoni .. ..	Seoni ..	15	2	3	0	1	0	0	0	20	2
16	Lakhnadaun .. ..	do. ..	15	3	3	2	1	0	0	0	20	6
17	Amraoti .. ..	Amraoti ..	13	1	4	1	1	0	0	0	17	2
18	Chandpur .. ..	do. ..	15	0	3	1	1	0	0	0	18	1
19	Morsi .. ..	do. ..	13	0	4	1	1	0	0	0	18	1
20	Ellichpur .. ..	do. ..	11	0	3	0	1	0	0	0	15	1
21	Daryapur .. ..	do. ..	12	0	4	1	1	0	0	0	16	1
22	Yeotmal .. ..	Yeotmal ..	13	0	4	1	..	..	..	..	..	..
23	Kelapur .. ..	do. ..	14	2	3	1	..	..	..	..	..	..
24	Wun .. ..	do. ..	10	0	3	1	..	..	..	..	..	..
25	Dharwa .. ..	do. ..	15	2	3	1	..	..	..	..	..	..
26	Pusad .. ..	do. ..	15	0	3	0	..	..	..	..	..	..
27	Bhandara .. ..	Bhandara ..	7	0	1	1	1	0	1	0	10	1
28	Sakoli .. ..	do. ..	10	1	2	0	1	0	1	0	14	1
29	Gondia .. ..	do. ..	12	0	2	0	1	0	1	0	16	0
30	Kelapur .. ..	Yeotmal ..	..	..	..	..	1	0	1	0	..	..
31	Mangrul Pir .. ..	Akola ..	..	..	..	..	1	0	1	0	..	..

## SUMMARY OF THE ABOVE.

**Election.** Total number of Boards, for which election of members figures are available, are twenty-nine. Out of these, in sixteen Boards, not a single Mussulman has come in the election. In eight Boards there are one each Moslem member, and in four boards there are two Moslem members each. Largest number of Mussulman members elected are three, and that also in one Local Board.

**Appointment of Members by the Government.** Figures for twenty-six Boards are available, in which Government have nominated members, and out of these, in six, not a single Mussulman member has been nominated. In eighteen Boards one Moslem each has been nominated, and in two Boards largest

number of Moslem members, i.e. two, have been appointed by the Government.

**Office-bearers.** Out of twenty-three Chairmen elected, not a single Mussulman has been elected, and as Vice-Chairman, out of twenty-three, as many as twenty-one are Hindus.

**Voting Strength.** There is one Board of sixteen members, with Zero Moslem members. There are fourteen Boards, with ten to nineteen members having only one Mussulman in the following order: One Board of ten members, three Boards of fourteen, fifteen and eighteen members; two Boards of nineteen members; three Boards each of ten, sixteen and thirteen members. In six Local Boards there are only two members from Mussulmans, and there is only one Board where we find three Mussulmans, and another one with a total of twenty votes having six Mussulmans.



## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

## NOTIFIED AREA COMMITTEES IN 1928.

No.	Name of Town.	Elected Member.		Nominated Member.		Chairman.		Voting Strength.		Population.		
		Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Hindus.	Moslems.
1	Betul Bazar .. ..	5	0	2	1	1	0	7	1	Figures not available.		
2	Bamora .. ..	4	0	3	1	1	0	8	1			
3	Itarsi .. ..	10	1	3	0	1	0	14	1	7,007	5,159	1,295

Out of three notified Area Committees for which figures are available, only in one Committee one Mussulman has been elected out of ten members. In two Committees at Betul Bazar and Bamora, not a single Mussulman has been returned. In nomination, the same tale is told, and the Govern-

ment nominated one member each in two Committees. As regards Office-bearers, not a single Mussulman is naturally elected Chairman. In short, the whole three Committees are manned by the Hindus, with the solitary exception of one Mussulman member in each.

## DISTRICT COUNCIL, 1928.

No.	Name of District.	Elected Mem- bers.		Selected Mem- bers.		Ap- pointed Mem- bers.		Chair- man.		Vice- Chair- man.		Voting Strength		Population.				
		Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Hindus.	Moslems.		
1	Buldana	20	2	5	0	4	1	1	0	1	0	31	3	699,429	632,333	59,181		
2	Akola ..	24	0	6	0	6	1	1	0	1	0	37	1	798,544	712,116	73,848		
3	Amraoti...	20	3	5	0	6	0	1	0	1	0	32	3	828,384	697,666	70,773		
4	Yeotmal	20	1	5	0	Figures not available.										748,959	604,585	41,772
5	Bhandara	16	2	4	1	5	0	1	0	1	0	26	3	717,147	627,955	12,076		
6	Seoni ..	12	2	3	0	3	1	1	0	1	0	20	3	848,871	193,534	15,553		

Figures for 1927 election are not available, in which most of the District Councils of Central Province and Berar were constituted.

## SUMMARY OF ABOVE.

*Election.* Out of six Councils, in one Council of twenty-four members, and in which district 78,348 Mussulmans live, not a single Mussulman has come in through election, and in one only one Mussulman member has been elected. Two members came in three Councils, and there is only one Council in which three Mussulmans came as elected members.

*Selection.* This is another name of Co-option, and out of six Councils, as many as five have no Mussulman as selected member, and in one there is the solitary exception of one member.

*Appointment by the Government.* Out of five Councils for which the Government made the appoint-

ments, there are two Councils in which the Hindu Minister for Local Self-Government quite forgot to nominate, even out of four and five, and in the remaining three Councils the Government nominated one Mussulman member each out of as many as three to six members.

*Office-bearers.* In all the Councils, not a single Mussulman has been elected either as Chairman or Vice-Chairman, and hence all the five Councils have Hindu Office-bearers.

*Voting Strength.* Out of thirty-seven votes of Akola District Council, there is one Moslem vote, and in the remaining four Councils three Moslem votes are found in total votes of twenty, twenty-six, thirty-one and thirty-two.

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

## COMPARATIVE STATEMENT REGARDING COTTON, GRAIN MARKETS AND MINING LOCAL COMMITTEE, 1928.

No.	Name of Place.	District.	Name of Committee or Board.	Appointed Members.		Population.		
				Total.	Moslem.	Total.	Hindus.	Moslems
1	Pusad .. ..	Yeotmal ..	Cotton market Committee.	5	0	7,510	5,541	1,712
2	Umerkhed .. ..	do. ..	do.	5	1	6,442	4,780	1,594
3	Ghatanjee .. ..	do. ..	do.	5	0	..	..	..
4	Yeotmal .. ..	do. ..	do.	5	0	17,238	14,348	1,854
5	Digras .. ..	do. ..	do.	5	1	7,857	5,528	1,020
6	Pandharkhanda ..	do. ..	do.	5	0	..	..	..
7	Chikhli .. ..	do. ..	do.	5	1	6,093	4,068	1,372
8	Dharwah .. ..	do. ..	do.	5	0	7,460	5,175	1,858
9	Basin .. ..	Akola ..	do.	5	1	10,971	8,053	2,557
10	Mekhar .. ..	Buldana ..	do.	5	0	..	..	..
11	Wun .. ..	do. ..	do.	5	0	6,841	5,559	866
12	Nandura .. ..	do. ..	do.	5	0	6,067	5,456	1,173
13	Murtizapur .. ..	do. ..	do.	5	0	16,552	8,039	2,107
14	Ellichpur .. ..	Amraoti ..	Grain Market Committee.	5	0	10,552	8,039	2,107
15	Chindwara .. ..	Chindwara.	Independent Mining Board.	9	1	..	..	..
16	Ellichpur .. ..	Amraoti ..	Cotton Market.	5	0	10,552	8,039	2,107
17	Anjangaon .. ..	do. ..	do.	4	1	9,338	6,562	2,026
18	Karanja .. ..	Akola ..	do.	4	1	13,045	8,523	4,175
19	Telhara .. ..	do. ..	do.	4	1	..	..	..
20	Akola .. ..	do. ..	do.	4	1	37,804	28,401	8,337
21	Balapur .. ..	do. ..	do.	3	2	10,567	5,332	4,782
22	Khamgaon .. ..	Buldana ..	do.	5	0	..	..	..
23	Dattapur .. ..	Amraoti ..	do.	5	0	..	..	..
24	Daryapur .. ..	do. ..	do.	5	0	..	..	..
25	Chandur .. ..	do. ..	do.	5	0	4,701	3,508	1,109
26	Shegaon .. ..	Buldana ..	do.	5	0	14,531	12,302	2,112

(Figures for blanks are not available).

## SUMMARY.

Out of twenty-four Cotton Market Committees, there is no Mussulman member appointed by the Government in fifteen Committees, and one member each has been appointed from the Moslems in eight

Committees. The only one Local Board for mining area in Chindwara has, out of nine members, one Mussulman. As regards the Grain Market Committees, the Government, out of five members, thought fit not to appoint even one member from the Mussulmans.

## HONORARY MAGISTRATES IN CENTRAL PROVINCES AND BERAR.

No.	District.	1st Class Powers.			2nd Class Powers.			3rd Class Powers.			Total according to religion.			Total Magistrates in each district.
		Hindu.	Moslem.	Christian	Hindu.	Moslem.	Christian	Hindu.	Moslem.	Christian	Hindu.	Moslem.	Christian	
1	Nagpur ..	8	0	0	15	1	0	25	5	0	48	6	0	54
2	Bhandara ..	0	0	0	10	2	0	5	2	0	15	4	0	19
3	Balaghat ..	0	0	0	0	0	0	7	0	0	7	0	0	7
4	Chanda ..	0	0	0	4	1	0	15	4	0	19	5	0	24
5	Wardha ..	1	0	0	9	1	0	10	3	0	20	4	0	24
6	Jubbulpur ..	0	1	1	6	1	1	11	1	0	17	3	2	22
7	Saugor ..	1	0	0	4	1	0	13	4	0	18	5	0	23
8	Damoh ..	2	0	0	8	1	0	0	0	0	10	1	0	11
9	Mandla ..	0	1	0	2	0	0	1	0	0	3	1	0	4
10	Seoni ..	2	0	0	4	0	0	7	2	0	13	2	0	15
11	Hoshangabad ..	2	0	0	8	0	0	11	2	0	21	2	0	23
12	Betul ..	0	0	0	1	0	0	4	1	0	5	1	0	6
13	Chindwara ..	0	0	0	2	0	0	5	3	0	7	3	0	10
14	Narsinghpur ..	4	1	0	7	0	0	15	3	0	20	4	0	30
15	Nimar ..	2	0	0	7	2	0	7	4	0	16	6	0	22
16	Raipur ..	1	1	0	9	1	0	12	3	0	22	5	0	27
17	Drug ..	0	0	0	0	0	0	11	0	0	11	0	0	11
18	Bilaspur ..	1	1	0	4	0	1	20	1	0	25	2	1	28
19	Amraoti ..	2	1	0	14	4	0	25	8	0	41	13	0	54
20	Akola ..	1	0	0	17	4	0	17	6	0	35	10	0	45
21	Buldana ..	3	1	0	9	2	0	16	4	0	28	7	0	35
22	Yeotmal ..	1	0	0	5	2	1	13	1	0	19	3	1	23
Total ..		31	7	1	145	23	3	250	57	0	426	87	4	517

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

## SUPPLEMENT TO THE CASE OF MUSSULMANS OF CENTRAL PROVINCES AND BERAR SUBMITTED BY THE MOSLEM DEPUTATION ON 15TH MARCH, 1929, AT NAGPUR (C.P.)

Copy of the Resolutions passed at the "All-Parties Moslem Conference of C.P. and Berar, held on 26th January, 1929, at Jubbulpore under the Presidentship of Mr. Mobinur Rahman, B.A., LL.B., M.L.C., of Berar :—

(1) This Conference accords its approval to the case of the Mussulmans of C.P. and Berar prepared by Mr. Taj-ud-din, subject to the following modifications :—

A. Full Provincial autonomy should be given to Provincial Government and the representation of the Mussulmans in the Cabinet should be guaranteed. All those subjects which affect the interests of the Moslem community should be included in the portfolio of the Moslem member of the Cabinet.

B. The present representation of the Mussulmans of the Central Provinces by one member in the Assembly election is exceedingly inadequate. The failure to give any representation to the Mussulmans of Berar in the Legislative Assembly has proved exceedingly injurious to that part of the province. On the assumption that the Lower House will consist of 500 members and the Upper House of 200 members, the number of Moslem members in the former shall be seven, including two from Berar and in the latter three including one from Berar.

C. The proportion of the Moslem members for C.P. and Berar in the Provincial Legislature shall be three to two.

D. Whereas the position of the Moslems in the C.P. and Berar is one which is historically, politically and numerically no less important than any other and no less than most, their interest shall receive proper adequate and effective safeguard in the constitution and their representation therein shall be 25 per cent. of the total strength in the Provincial Legislature provided that where the Mussulmans constitute more than 25 per cent., they shall receive representation in proportion to their population.

E. That this conference conveys its thanks to Mr. Taj-ud-din for the labour and expense in preparing the case of the Mussulmans in the Province.

(2) This conference supports whole-heartedly the resolutions passed at the All-Parties Moslem Conference held at Delhi under the Presidentship of the Aga Khan.

(3) This Conference appoints a deputation of the following members with power to co-opt to wait upon the Royal Statutory Commission to put up the case of Mussulmans of C.P. and Berar published by Mr. Taj-ud-din and amended by this Conference :—

- (1) Mr. Mobinur Rahman, M.L.C.
- (2) K. B. Syed Zakir Ali, I.S.O.
- (3) Shamsul Ulma Molvi Mohammad Amin Sahib.
- (4) Mr. Hifazat Ali, M.L.C., Ex-Minister.
- (5) Mr. Taj-ud-din.
- (6) Mirza Rahman Beg Sahib.
- (7) Mr. Majid-ud-din, M.L.C.
- (8) Dr. Yusuf Shareef, Barrister.
- (9) K. B. Hafiz Willayat, Ullah, I.S.O.
- (10) Mr. Abdul Razzaq, Pleader.
- (11) Mr. Abdul Raheem Khan, Pleader.
- (12) Mr. Vakil Ahmad Sahib Rizvi Sahib, M.L.C.
- (13) Mr. Akber Khan Sahib, Malguzar.
- (14) Mr. Syed Abdul Hadi, Municipal Commissioner.
- (15) Haji Mohammad Khan Sahib, Merchant.
- (16) Malak Sahib, son of K.B.H.M. Malak Sahib.
- (17) Abdul Raheem Sahib, Pleader.

## SUPPORT FROM PUBLIC BODIES, ASSOCIATIONS AND PUBLIC MEETINGS.

Mussulmans in mass public meetings held at the following places gave whole-hearted support to the Memorandum in the following words :—

"Mussulmans of assembled in public meeting do hereby declare that we support whole-heartedly the Memorandum published by Mr. Taj-ud-din of Jubbulpore, on behalf of the Mussulmans of C.P. and Berar and resolve that the demands formulated therein are most essential for the safeguard of our rights and unless the same are incorporated in the constitution of the country by British Parliamentary Statute, the new contemplated constitutional changes shall not be acceptable to us."

Date.	Place.	District.	Name of Chairman.
27 Nov., 1928	.. Dhamtari	.. Raipur	.. Mr. M. A. Hakeem.
8 Dec., "	.. Murtizapur	.. Amraoti	.. Mr. Mohammad Nasir Khan.
9 " "	.. Chikli	.. Buldana	.. Mr. Wali Mohammad Khan.
10 " "	.. Katni Murwara	.. Jubbulpore	.. Haji Man Khan.
11 " "	.. Balaghat	.. Balaghat	.. Mr. Abdul Rahim Khan, B.A., LL.B., Pleader.
13 " "	.. Sohagpur	.. Hoshangabad	.. Mr. S. A. Ali.
14 " "	.. Mandla	.. Mandla	.. Qazi Mohammad Khan.
15 " "	.. Hoshangabad	.. Hoshangabad	.. Niaz Haider Khan, B.A., LL.B., Pleader.
20 " "	.. Ramtek	.. Nagpur	.. Mr. Sheikh Chand.
23 " "	.. Chindwara	.. Chindwara	.. Mr. Nawab Khan.
23 " "	.. Pauni	.. Bhandara	.. Haji Ishaq Mohammad Sahib.
11 Jan., 1929	.. Saugor	.. Saugor	.. Mr. Faqir Mohammad.
11 " "	.. Khariar	.. Raipur	.. Saleh Mohammad Sahib.
4 " "	.. Damoh	.. Damoh	.. Md. Kasim Sahib.
4 " "	.. Seoni	.. Seoni	.. Mr. Abdul Jabbar Khan Sahib, Malguzar.
11 " "	.. Narsinghpur	.. Narsinghpur	.. Mr. Kamal Khan Sahib, Honorary Magistrate.
14 " "	.. Basim	.. Akola	.. Md. Ali Sahib.
28 " "	.. Shegaon	.. Buldana	.. Mr. Yusuf Abba, Merchant.
22 " "	.. {Sadak Arjuni} .. {Sakoli}	.. Berar	.. Mukeem Khan, Chairman Local Board.

FOLLOWING MOSLEM SOCIETIES ACCORDED THEIR  
SUPPORT TO THE MEMORANDUM.

1. Anjuman Khadim ul Islam, Seoni.
2. " Islah ul Muslemeen, Chindwara.
3. " Islamia, Balaghat.
4. " " Katni Murwara.
5. " Fateh Musalmeen, Sohagpur.
6. " Mufeed ul Islam, Hoshangabad.
7. " Islamia Committee, Pauni Chindwara.

SUPPORT OF LEADERS OF MOSLEM PUBLIC  
OPINION.

More than five thousand representative Mussulmans of all shades of opinion signed the manifesto in support of the Memorandum prepared by Mr. Taj-ud-din, as it is practically impossible to put the names of all of them in such a short space, hence selected few names are given below.

## JUBBULPORE.

1. Khan Bahadur Syed Zakir Ali, I.S.O., Retired Deputy Commissioner, Honorary Cantonment Magistrate 1st Class, Member Municipal Committee and District Council.

2. Seth Ahmad Ali, Proprietor Nadri Press.
3. Hafiz Abdul Shakur, brother of Hazarat Maulana Abdussalam Sahib.
4. Munshi Shamsuddin.
5. Haji Abdul Aziz.
6. Syed Jawad Husain, B.A.
7. Gulam Rasul.
8. Zafar Beg.
9. Haji Md. Yaqoob.
10. Alimuddin.
11. Gulam Husain.
12. Noor ul Khan.
13. Abdul Ghani, B.A., Teacher.
14. Anwar Khan, Ex-Municipal Commissioner.
15. Nazir Ahmad Khan, Contractor.
16. Hakeem Bashir Uddin Ahmad.
17. Rahmat Ullah Khan, Insurance Agent.
18. Hakeem Fazalurrahman.
19. Sheikh Abdul Rahim, B.A., LL.B., Pleader.
20. Seth Karim Ali.
21. Abdul Hafiz Khan, Landlord.
22. Rafiuddin, B.A., L.T.
23. Hakeem Manzurruzzaman.
24. Seth Abdul Karim Usman.
25. Seth Dada Bhai.
26. Seth Abdus Shakur.
27. Seth Tyeb Ali Abdul Rasool.
28. Abdul Rahman Khan, B.A., LL.B., Pleader.
29. Syed Israr Husain, B.A., LL.B., Pleader.

## DAMOH.

1. Abdul Karim Khan, Merchant.
2. Khalilulla Sahib.
3. Haji Wali Mohammad, Merchant.
4. Mohammad Qasim, Merchant.
5. Sheikh Rahmulla.
6. Abdul Hafeez Khan.

## SEONI.

1. Abdul Jabbar Khan, Malguzar.
2. Abdul Rahim Khan, B.A., LL.B., Pleader.
3. Abdul Hai Khan, B.A., LL.B., Pleader.
4. Syed Mahboobul Hasan, B.A., LL.B., Pleader.
5. Sardar Khan, B.A., LL.B., Pleader.
6. Khan Sahib Mir. Ahmad Ali.
7. Habib Khan.
8. Haji Rahim Khan.
9. Abdul Rahim, Master.

## NARSINGHPUR.

1. Sheikh Md. Ahmad, B.A., LL.B., Pleader.
2. Muzzafaryazdan, Malguzar, Honorary Magistrate (1st Class).
3. Kamal Khan, Honorary Magistrate.
4. Ahmadulla, Malguzar.

5. Syed Md. Shakir Ali, Pesh Imam.
6. Malak Manzoor Hasan Khan, Merchant.
7. Tahir Ali.
8. Shah Abdul Rahman.
9. Hayat Md. Khan.
10. Abdul Rahman.
11. Mirza Nizam Uddin Beg.
12. Ilahi Bux.

## RAIPUR.

1. Mohammad Murtaza.
2. Taj Md., Khariar.
3. Hameed Ahmad, Malguzar, Khariar.
4. Md. Ali, Dhamtari.
5. Zahirulla, Dhamtari.
6. Syed Abdul Hakeem, B.A., LL.B., Pleader, Dhamtari.
7. Seth Imam Uddin, Merchant.

## CHINDWARA.

1. Nawab Khan, President, Anjuman Islahut Muslimeen and Member Municipal Committee.
2. Tahsin Ali Khan, B.A.
3. Syed Atfat Ali, B.A.
4. Nawab Wilayat Ali Khan, President District Moslem League.
5. Qurban Husain, Merchant.

## NAGPUR

## (District.)

1. Sheikh Chand, Member Municipal Committee.
2. Zafar Md. Sahib, Rantek.
3. Mohammad Rafiq.
4. Ibrahim Khan.
5. Abdul Aziz Khan.

## KATNI MURWARA.

## (Jubbulpore.)

1. Haji Man Khan, President Anjuman Islamia and Member Municipal Committee.
2. Sheikh Rahmat Ullah Siddiqi.
3. Mahmood Mohammad.
4. Mulla Gulam Karim, Merchant.
5. Mulla Imdad Ali, Mulla Hasan Ali.

## HOSHANGABAD.

1. Chowdhari Niaz Haider, B.A., LL.B.
2. Sheikh Ghulam Ali, M.A., B.T.
3. Mirza Md. Beg.
4. Mirza Ahmad Bux.
5. Taj-ud-din Ahmad.
6. Abdul Razzaq, Municipal Commissioner.
7. Abdul Hai, Malguzar.

## BHANDARA.

## (Pauni.)

1. Haji Ishaq, Merchant.
2. Mirza Gulzar Beg.
3. Dr. Abdul Hafeez, Vice-Chairman, Municipal Committee.
4. Syed Abdul Rahman.

## MANDLA.

1. Haji Sardar Khan, Rais & Merchant.
2. Haji Qazi Mohammad Khan, Merchant.
3. Fazal Khan.
4. Kalan Khan.
5. Khwaja Ahmad Gori.
6. Abdul Gaffar Khan.
7. Murad Khan, Contractor.

## SHEGAON.

## (Bhandara.)

1. I. A. Khan, M. E. & Vice-President Municipal Committee.
2. Seth Usman Salah Mohammad, Merchant.
3. Seth Ibrahim Sale Md., Merchant.
4. Abdul Majid Khan, B.A., LL.B., Pleader.
5. A. R. Khan, Merchant.
6. Abdul Subhan, Merchant.

## MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

## BERAR.

(Rasod Basim.)

1. Syed Ali.
2. Zavar Ali.
3. Nawab Shah Khan.
4. Ahmad Mir Khan.
5. Inayat Ali Khan.
6. Amjad Ali Khan.

## WUN.

(Yeotmal.)

1. Abdul Rauf Ahmad, President Municipal Committee and Member Tahsil Local Board.
2. Adbul Ghafoor, Zamindar.
3. Sheikh Chand, Merchant.
4. Fateh Khan.
5. Abdul Salam Khan.
6. Shekh Md. Ismail.
7. Hakeem Abdul Rahim.
8. Qasim Khan.
9. Abdul Razzaq.

## MURTAZAPUR.

1. Md. Nasir Khan, Samindar and Vice-President Municipal Committee.
2. Mohammad Yaqub.
3. Seth Noor Mohammad Umar, Merchant.
4. Abdul Samad.
5. Mohammad Ismail.

## PROVINCIAL SUPPORT.

In the All-Parties, C.P. and Berar Moslem Conference which was attended by most prominent representative Moslem leaders, resolution in support of this Memorandum (subject to slight modification) was passed. This conference was attended amongst other by :—

1. Mobinurrahman, B.A., LL.B., M.L.C., Akola, President of the Conference.
2. Mr. Iftikhar Ali, M.A., LL.B., Chairman, Reception Committee.
3. Mr. Syed Abdul Hadi, Vice-Chairman, Reception Committee.
4. Mr. Sharfuddin, M.L.C., Amraoti.
5. K. B. Hafiz Wilayat Ullah, I.S.O., Retired Deputy Commissioner, Nagpur.
6. Seth Faqeer Mohammad Sahib, Saugor.
7. Mr. Abdul Qadir Siddiqi, B.A., LL.B., Pleader and Member legislative Assembly.
8. Mr. Bashir Ahmad Khan, B.A., LL.B., Pleader, Burhanpur.
9. Mr. Syed Hifazat Ali, B.A., LL.B., M.L.C., Ex-Minister.
10. Mr. Sheikh Abdul Raheem, B.A., LL.B., Pleader, Jubbulpore.
11. Mr. Abdul Husain Sahib, Bhandara.
12. Haji Abdul Gaffar, Bhandara.
13. Dr. Yusuf Shareef, B.A., B.L., Barrister-at-Law, Ph.D.
14. Mr. Majid Uddin, B.A., LL.B., Pleader, M.L.C., Saugor.
15. K. B. Syed Zakir Ali, I.S.O., Retired Deputy Commissioner 1st class, Honorary Cantonment Magistrate, Member Municipal Committee and District Council.
16. Khan Bahadur Ifhazur Raheem, Retired Tahsildar.
17. Mr. Siraj Ahmad, M.A., Retired E.A.C.
18. Mr. Taj-ud-din, Jubbulpore.

## MESSAGE OF SYMPATHY AND SUPPORT.

The author of the Memorandum received more than 500 letters of appreciation and support from all over the C.P. and Berar thanking him for the noble endeavour and effort, the messages received by the Chairman of the Reception Committee were read over in the open conference, among others the most prominent absentees who sent in messages were the following :—

1. Mr. Abdul Hafiz Khan, B.A., LL.B., Pleader, Bilaspur.
2. Mr. Mohammad Murtaza Khan, Malguzar, Seoni.
3. Mr. Abdul Razzaq, Pleader, Nagpur.
4. Mr. Sajjad Husain, Editor, "Aziz-a-watan," Yeotmal (Berar.)
5. Mr. Syed Yasin, M.L.C.
6. Mr. Mohammad Akbar Khan, Malguzar, Bilaspur.
7. Mr. Vakil Ahmad Rizvi, B.A., LL.B., Pleader, M.L.C., Raipur.

## CASE FOR THE MUSSULMANS OF THE CENTRAL PROVINCES AND BERAR.

COPY OF THE RESOLUTION PASSED BY THE ALL-PARTIES MOSLEM CONFERENCE, CENTRAL PROVINCES AND BERAR, HELD AT JUBBULPUR ON THE 26TH AND 27TH JANUARY, 1929.

(1) This Conference appoints a deputation of the following members, with power to co-opt to wait upon the Royal Statutory Commission to put up the case of the Mussulmans of Central Provinces and Berar, published by Mr. Taj-ud-din, and amended by this Conference.

Mr. Mobinur Rahman, M.L.C., Akola.

Khan Bahadur Syed Zakir Ali, I.S.O., Retired Deputy Commissioner, Member of the Municipal Committee, District Council. First Class Hon. Magistrate.

Shamshul Ulema Moulvi Mohamed Amin, Retired Session Judge, Jubbulpur.

Mr. Syed Hifazat Ali, B.A., LL.B., Pleader, Ex-Minister, M.L.C., Khandwa.

Mr. Taj-ud-din, Merchant, Jubbulpur.

Mirza Rahman Beg Sahib of Berar.

Mr. Majiduddin, B.A., LL.B., M.L.C., Saugor.

Dr. Yusuf Shareef, B.A., Barrister-at-Law, Nagpur.

Mr. Abdul Razaq, B.A., LL.B., Pleader, Nagpur.

Khan Bahadur Hafiz Wilaitullah, I.S.O., Retired Deputy Commissioner.

Mr. Abdur Raheem Khan, B.A., LL.B. (Alg.), Pleader, Balaghat.

Mr. Vakeel Ahmad Rizvi, B.A., LL.B., M.L.C., Raipur.

Mr. Akber Khan Malguzar and Rais, Bilaspur.

Mr. Syed Abdul Hadi, Municipal Commissioner, Jubbulpur.

Haji Mohamed Khan Sahib, Merchant, Mandla.

Mr. Malak, S/O Late Khan Bahadur H. M. Malak, Nagpur.

Mr. Sheikh Abdul Raheem, B.A., LL.B., Pleader, Jubbulpur.

(2) This Conference accords its approval to the case of the Mussulmans of Central Provinces and Berar prepared by Mr. Taj-ud-din subject to the following modifications :—

(a) Full provincial autonomy should be given to the Provincial Governments and the representation of the Mussulmans in the Cabinet should be guaranteed. All those which affect the interests of the Mussulman Community should be included in the portfolio of the Moslem Member of the Cabinet.

(b) The representation of the Mussulmans of the Central Provinces by one member in the Assembly election is exceedingly inadequate. The failure to give any representation to the Mussulmans of Berar in the Legislative Assembly has proved exceedingly injurious to that part of the Province. On the assumption that the Lower House will consist of five hundred members and the Upper House of two hundred members, the number of Moslem members in the former should be seven, including two from Berar, and in the latter three, including one from Berar.

- (c) The proportion of the Moslem members for Central Provinces and Berar in the Provincial Legislature shall be three to two.
- (d) Whereas the position of the Moslems in Central Provinces and Berar is one which is historically, politically and numerically no less important than any other, and no less than most, their interest shall receive proper adequate and effective safeguards in the constitution, and their representa-

- tion therein shall be 25 per cent. of the total strength in the Provincial Legislature provided that wherever in Local Bodies Mussulmans constitute more than 25 per cent. they shall receive representation in proportion to their population.
- (e) That this Conference conveys its thanks to Mr. Taj-ud-din for the labour and expense in preparing the case of the Mussulmans of the Province.

## NAGPUR.

15th March, 1929.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM AND MAJOR ATTLEE), AND OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR ZULFIQAR ALI KHAN).

## Deputation from the Moslems of the Central Provinces and Berar.

The deputation consisted of the following :—

Khan Bahadur HAFIZ WILAYATULLAH, B.A., I.S.O., Retired Deputy Commissioner (Spokesman).  
 Mr. M. Y. SHAREEF, M.A., LL.B. (Cantab.), Bar-at-Law.  
 Mr. ABDUR RAHEEM KHAN, B.A., LL.B. (Alig.), Mining Proprietor.  
 Mr. ABDUL RAZZAQ KHAN, B.A., LL.B. (Alig.), High Court Pleader.  
 Mr. TAJ-UD-DIN, Merchant.  
 Mr. MAHFOOZULKABEER, B.A., LL.B., Pleader.  
 Mr. HAJI QAZI MUHAMMAD KHAN, General Merchant.  
 Nawab MIR MEHDI ALI KHAN, Landholder and Jagirdar, Berar.  
 Mr. SYED ABDUL HADI, Municipal Commissioner.

\* \* \* \* \*

5. *The Chairman* : What I would like to know from you first of all is whether you have any observations to make \* \* \* as regards the future ? (*Khan Bahadur Wilayatullah*). In order to be effective and adequate, we want more representation, because the Muhammadans, though they are numerically so few here, belong to a very important community and in view of the anticipated increase in the powers under the reforms which may, perhaps, be granted to India, we think that our position should be made secure and strong, and for that reason we want increased representation.

6. But if we consider what is called the "Lucknow Pact," my recollection is that 15 per cent. is suggested as the Muhammadan percentage out of the total Indian seats ?—But now actually we get only about 12 per cent. out of the fifty-five seats.

7. It is correct to say, is it not, that there are fifty-five elected seats, of which forty-eight are of general constituencies, whether they be Muhammadan or non-Muhammadan, whether they be urban or rural, and the other seven are special constituencies, for instance, the University seats ?—In fact our contention has been that we should have been given 15 per cent. out of the fifty-five.

8. I quite follow that. Then none of the members of the special constituencies are, in fact, Muhammadans ?—No.

9. I quite follow what you say. So, of the elected seats, whether they are general or whether they are special, what you say is that you do, in fact, get seven out of a total of fifty-five seats ?—Yes. Practically, sir, the special constituencies have not benefited us in any way.

10. *The Chairman* : There is a passage in the Government Memorandum which I might read, because everyone has not got the book. It says this : "Muhammadan representation is greatly in excess of the proportion of Muhammadans to the rest of the population, but the number of constituencies allotted to them is considered to be the minimum that would afford the community any effective representation." I understand the point of the deputation is that they really think that the minimum should be raised ?—Yes.

11. I think I am right that there has been only one case in the Central Provinces where there has been a Muhammadan Minister ?—Yes, he was a Minister for a month or two.

12. And that was during the second Council ?—Yes.

13. Has not there been any other case ?—No.

14. Then comes the question of representation in the Central Legislature. Have you got anything to say about that, Khan Bahadur ?—If the Legislative Assembly were to consist of five hundred members, we would say that there should be seven from the Central Provinces and Berar ; and the proportion between the Central Provinces and Berar may be fixed at 4 to 3.

15. At present there is one Moslem member, is it not ?—Yes, for the Central Provinces only.

16. When you spoke of seven for the province out of five hundred, were you limiting yourself to the Moslems ?—Yes.

17. May I ask how many non-Moslem members are you contemplating from the Province for the Central Legislature ?—Twenty-one.

18. I thought so. Your idea is that your representation should be 25 per cent. ?—Yes.

19. I think you would just like to say a word or two on the subject of what is sometimes called representation in the services, would you not ?—We want also some reservation of posts ; I mean to say, we want some guarantee that a fair proportion of posts

will be given to the Muhammadans. At present, and especially since the Reforms, we have been seeing that the Muhammadan element is being eliminated.

20. I have had some figures taken out which show the extent to which at present the Moslems take their share in the public services. Did you see the figures which are contained in a return supplied to the Legislative Council recently?—In the judicial service?

21. In all the services. I notice this point has been mentioned, among other things, by Mr. Taj-ud-din in his Memorandum, which I have carefully gone through. Take, for instance, the subordinate revenue service,\* I mean tahsildars and naib-tahsildars. I am informed that there the Moslems are thirty-four out of the total; in other words they are 19 per cent. I am told that in the provincial executive service there are twenty-five Muhammadans out of one hundred and six; in the provincial judicial service there are nine out of one hundred and thirty-eight. I am not quite clear. Do you think, Khan Bahadur, that as things are in this province, the Moslems are not getting a considerable share of the posts? I quite understand your asking for more; it is human nature for everybody to ask for more.—The belief of the Muhammadans in this province is that they are not getting a fair share.

22. You might tell me, has there been a return given in the Legislative Council recently which shows what the proportions secured by the Moslem community are?—It may be, sir, that in a particular department, there may be a reasonable and fair proportion of Muhammadans, but in other departments like the judicial, public works, secretariat and others, and in ministerial posts generally, there are very few Muhammadans.

23. You see, Khan Bahadur, we are practical people, and we want practical suggestions. What is the method of form you would suggest by which this grievance is to be corrected?—A minimum standard of qualification may be fixed, and none below that may be appointed, but so long as men possessing those qualifications from the Moslem community are available, they may be given the appointments.

24. Are you suggesting that this should be put into some Act of Parliament?—I do not want inefficient persons, and persons possessing less qualifications than those which are prescribed for particular posts, to be appointed.

25. I would be quite frank with you, as I have tried to be with everybody. What I should value very much would be the view of the deputation as to how their desire is to be secured. That is a practical point which we have to consider. Of course, I quite understand the plan that you should secure a good number of seats in the Legislature, because that is done by statute or by statutory rules. But what I want to know is how is it proposed to secure a particular proportion of the ministerial posts, or if you like, judicial posts; do you think it should be done by statute?—Yes. Anyhow, this is a thing which we desire, and we would leave it to the Commission to make that safeguard for us in whatever way they may consider it feasible.

26. I think that brings out the main points of your deputation, does it not?—Yes.

27. *Colonel Lane-Fox*: I want to be clear on one point. Your community are 3 per cent. of the total population of the province?—Yes.

28. Though you are 3 per cent., you have now 12 per cent. of the elected Indian seats in the Council, and you want more?—Yes.

29. *Mr. Cadogan*.: I should like to ask a question about your complaint that a sufficient number of posts for your community in the administrative services are not given. Take for example irrigation.

On page 472 of your Memorandum you say: "The posts are filled by the Indian Service of Engineers, Engineers in the Provincial Service, and below them are upper and lower Subordinate Services. The position of the Moslems in this branch is far more deplorable than in any transferred subject. Out of five Executive Engineers, four are Hindus and one is a Moslem." I take it that these four Hindus and one Moslem obtained their posts by open competitive examination, is that so?—They were appointed by selection from outside.

30. I am talking of the engineers. They must have really competed for the examination?—There is no local examination. I know that the engineers in the Irrigation department were all imported from the Punjab and other places.

31. They have not been through any examination at all?—No, not in this province.

*The Chairman*: May I interrupt? I think it will be agreed, won't it, that the really important things are the provincial services in the executive, judicial and police branches; these are the main ones. I have got some figures before me which show that in the executive branch of the provincial service here there are 25 Muhammadans out of 106; in the judicial branch there are nine out of 138, and in the police branch there are five Muhammadans out of 19. These seem to be the actual figures.

32. *Mr. Cadogan*: What is the actual nature of the complaint? You used the word "eliminated." But how?—We find that our number is becoming less and less gradually in the services.

33. Do you say that you have not got the same opportunity of obtaining posts in the services? Is it due to any prejudice against your community?—Whatever it may be due to, we find that in spite of qualifications there are difficulties in the way of the Muhammadans getting appointments.

34. *Mr. Sulrawardy*: Kindly turn to page 493 of your supplementary Memorandum wherein you say: "A full provincial autonomy should be given to provincial governments and the representation of the Mussulmans in the Cabinet should be guaranteed. All these subjects which affect the interests of the Moslem community should be included in the portfolio of the Moslem member of the Cabinet." I find that you bitterly complain of the elimination of the Muhammadans under the Dyarchical system and yet you demand full provincial autonomy. Will you kindly explain what you mean by this?—We recommend provincial autonomy on the terms we have indicated, viz.: If our representation is increased and we are represented also in the Cabinet. Of course we are opposed to the transfer of Law and Order. If the safeguards that we ask for are taken into account then we would advocate provincial autonomy, but still we are very doubtful about the transfer of Law and Order. What we want is our position to be safeguarded.

35. That is to say you will not agree to full provincial autonomy unless you have representation of the Mussulmans in the Cabinet guaranteed?—Yes, that is so.

36. *The Chairman*: Your impression is that the number of Muhammadans in the services is getting less and less. I do not imagine that you have got any figures now to prove your statement. I have got in front the detailed figures at present, but perhaps your deputation might give us some figures for some years back which will show how the matter stands. I may tell you that looking at the figures I have before me I get a different impression of the matter. I quite understand the desire of Muhammadans to have a larger number of posts; it is perfectly natural and legitimate; but I have no information before me which suggests that they are getting less and less. Let us take, for instance, the subordinate service—tahsildars and naib-tahsildars. The fact is that though the Muhammadans are 3 per cent. of the population they have got 19 per cent. of the tahsildars and naib-tahsildars posts; they are 34 out of the

\* See Appendix pp. 503-4.

15 March, 1929.]

MUSSULMANS OF CENTRAL PROVINCES AND BERAR.

[Continued.]

total. If you say that that is less it means that at some earlier stage they had much more than that. I do not expect you to have the figures now, but you see the point is an important one. We would like to get the information if you could supply us?—(Mr. Shareef) May I say a word, sir? There are some departments, such as the executive lines, in which probably it has been found that the Muhammadans are better executive officers than the members of other communities. For that reason, in those departments, the Muhammadans have got a greater percentage of posts. But in other departments, such as the judicial, we have not got sufficient representation.

37. Is it not a possible view that just as there are some departments in which the Muhammadans are particularly suitable and therefore they have an exceptionally large proportion, there may be some other departments in which in all respects they may not necessarily be particularly suitable. You cannot be best in everything.—There I agree, sir, but experience has shown that we are not wanting in the necessary qualifications for any department.

38. I am not doubting it for a moment. You see one has to try to look at the thing as a whole. I am very anxious about it because I may tell you that the view which you gentlemen have expressed is a view which has been expressed with great force and moderation in all parts of India by your community, and as I have often said, the object of the Conference is merely to ascertain the facts and to make a perfectly clear and impartial statement as to how it stands. I should like your deputation to give us sufficient facts to distinguish from a mere general expression.—Can we supplement hereafter?

39. The Chairman: I would be grateful if you could do that. If you could supply us the figures we would be able to compare them with those contained in the return given to the Legislative Council recently. The figures in front of me rather seem to show that in this province a good deal of care in fact is being taken to secure to the Mussulmans a due share.—(Mr. Shareef) The grievance is with regard to the transferred subjects. In regard to reserved sub-

jects the Government makes the appointments, but as regards the transferred subjects there is a grievance.

40. But I understand that your deputation comes before us to tell us that you are in favour of transferring everything?—My colleague submitted that if we have all the necessary safeguards to protect the minority communities, then certainly it is all very well to have complete autonomy, but otherwise we are not in favour of it but would rather have Dyarchy as it is. In fact we would like to have, as long as we have not reached the same level of progress as other communities, some arbiter, somebody who sees that justice is done to the other communities, to the minorities especially.

The Chairman: I think that was the point Dr. Suhrawardy was putting to you. He pointed out to you that you were expressing an opinion in favour of provincial autonomy and he asked you how you would reconcile it with your other remarks. Anyhow we will see the point. I can assure you that this is not the first time we have heard of it.

APPENDIX (*vide* Q. 21).

PACHMARHI,

4th June, 1929.

When he had heard the Muhammadan deputation at Nagpur, Sir John Simon asked me to prepare statements showing the percentage of Muhammadans in the Provincial and Subordinate Services of the Central Provinces in 1919 and 1929 respectively. I now forward the statements in question. It will be seen that there has been practically no change in the proportion for the Provincial Services. In the Subordinate Services, although the percentage has fallen slightly, it is still many times as large as the proportion of Muhammadans to the rest of the population, namely, 3 per cent.

(signed) H. GOWAN.

STATEMENT SHOWING THE PERCENTAGE OF MUHAMMADANS IN THE PROVINCIAL SERVICES (C.P.) ON 1ST JANUARY, 1919 AND 1ST JANUARY, 1929.

S. No.	Service	1st January, 1919			1st January, 1929		
		Sanctioned strength	No. of Muhammadans	Percentage	Sanctioned strength	No. of Muhammadans	Percentage
1	Civil Service (Ex. Branch) ..	101	26	26	108	25	23
2	Civil Service (Judl. Branch) ..	48	2	4	139	9	6.5
3	Land Records .. .. .	3	—	—	1	—	—
4	Forest .. .. .	26	2	8	36	5	14.5
5	Exercise .. .. .	23	—	—	24	—	—
6	Jails .. .. .	2	—	—	2	—	—
7	Registration .. .. .	4	1	25	4	—	—
8	Police .. .. .	22	5	22.5	20	6	30
9	Education .. .. .	47	1	2.2	120	11	9
10	Medical .. .. .	40	1	2.5	56	2	3.7
11	Public Health .. .. .	4	—	—	3	—	—
12	Public Works .. .. .	31	1	3	B. & R. 38 Irrgn. 33	3	8
		Irrgn. & B.	& R.	—			
13	Agriculture .. .. .	10	—	—	16	1	6
14	Veterinary .. .. .	2	—	—	7	2	28
15	Industries .. .. .	4	—	—	12	1	8
16	Co-operative .. .. .	—	—	—	4	..	..
		367	39	10.6	623	65	10.4



## ALL-INDIA DEPRESSED CLASSES ASSOCIATION.

## STATEMENT SHOWING THE PERCENTAGE OF MUHAMMADANS IN THE SUBORDINATE SERVICES (C.P.) ON 1ST JANUARY, 1919 AND 1ST JANUARY, 1929.

S. No.	Service	1st January, 1919			1st January, 1929		
		Sanctioned strength	No. of Muhammadans	Percentage	Sanctioned strength	No. of Muhammadans	Percentage
1	Subordinate Civil Service ..	212	47	22-16	260	54	20-8
2	Subordinate Judicial Service ..	72	1	1-4	—	—	—
3	Land Records .. .. .	36	6	17	34	6	18
4	Forest .. .. .	3036	898	29-5	3332	942	28-3
5	Excise .. .. .	309	42	14	256	37	14-45
6	Jails .. .. .	73	12	16	74	15	20
7	Registration .. .. .	128	16	12-5	82	15	18
8	Police .. .. .	943	348	36-9	917	302	32-93
9	Education .. .. .	642	56	8-7	827	98	11-8
10	Medical .. .. .	264	32	12-1	295	24	8-1
11	Public Health .. .. .	13	—	—	43	8	18-5
	B. & R. .. .. .	167	12	8	138	9	6
12	Public Works .. .. .						
	Irrigation .. .. .	79	4	7	230	10	4-4
13	Agriculture .. .. .	81	3	3-7	139	8	5-75
14	Veterinary .. .. .	136	60	44-1	145	60	41-3
15	Industries .. .. .	19	4	21-05	41	5	12-19
16	Co-operative .. .. .	31	2	6-4	40	2	5
17	Settlement .. .. .	9	3	33	9	4	44
		6,250	1,546	24-7	6,862	1,599	23-3

## Memorandum submitted by the All-India Depressed Classes Association.

On behalf of the All-India Depressed Classes Association, I have the honour to submit the Memorandum attached herewith for your consideration.

## ALL-INDIA DEPRESSED CLASSES ASSOCIATION.

2. This Association represents about six crores of people or one-fifth of the population of India which has been denied all social, political and economic rights. It is extremely poor and backward in education and has been treated by the Hindu society as worse than human beings.

3. Most of the members of this community are labourers and as long as property qualification is insisted on this community stands no chance of being included in the electorate and thus exerting its influence in the affairs of the country.

4. In a general electorate this community has no chance of having its representatives selected to the Councils and Local Bodies owing to the prejudice of the other communities against it coupled with the poverty of the members of this community. It is for this reason that we ask for the separate communal electorates.

## PUBLIC SERVICES.

5. The members of this community are excluded almost entirely from public services. Communal representation offers the only chance of insuring their admission into the services.

6. The Executive Committee has nominated the following persons to appear before the Royal Commission to give evidence.

Rao Bahadur M. C. Rajah, Member of the Legislative Assembly, St. Thomas Mount, Madras.

Mr. B. C. Mandal, B. A., 203-1 Harrison Road, Calcutta.

Mr. D. Roy, M.A., B.L., 12 Bechu Chatterji Street, Calcutta.

Veeraratha Devidas Jatao, Sadar Bazar, Delhi. Swami Achhutanand, Editor, Adi Hindu, Col Ganj, Cawnpore.

Babu Khemchand Bohare, Municipal Commissioner and Member, District Board, Agra.

Mr. N. D. Bhosle, Clerk Road, Bombay No. 11.

Mr. G. M. Thaware, Sadar Bazar, Nagpur.

Mr. V. D. Makesar, Superintendent, Chokhamela Hostel, Yeotmal.

Mr. J. G. Sonone, Patipure, Yeotmal.

Mr. L. K. Ogle, M.L.C., Badnera Road, Amraoti.

Mr. Paghunath Shiwaram Shambarkar, Jobber, Express Mills, Nagpur.

Mr. R. S. Nikalje, J.P., Clerk Road, Bombay No. 11.

Mr. J. J. Munuswamy Pillai, M.L.C., Sath Villas, Ootacamund.

Mr. G. A. Gavai, M.L.C., Mahal Tekdi Road, Amraoti.

(Signed) J. H. GAVAI,  
General Secretary,  
All-India Depressed Classes Association.

## MEMORANDUM.

1. (a) Every adult with an annual income of Rs. 96/- should have a right to vote for the Legislative Council, Municipality and Local Boards.

(b) Election should be by direct voting, and by ballot in all the bodies.

The representation of the Depressed Classes on the Council of State and the Legislative Assembly should

be by nomination on the recommendation of the All-India Depressed Classes Association and the number of the Depressed Classes to be nominated should be one-sixth of the total strength of these bodies.

(c) Communal interest should be safeguarded by means of communal representation based on communal electorates as follows:—

- (a) Brahmins.
- (b) Muhammadans.
- (c) Depressed Classes.
- (d) Non-Brahmins.

The number of representatives of each community should be in proportion to its population. Economic interests may continue to be represented as at present. University seats should be abolished, and no voter should be required to travel more than two miles to record his vote.

(d) (e) (f). At present there is no community of interest between the electors and the persons elected; in fact their interests are opposed to each other.

At present there are no real parties in the Council. Voting proceeds mainly on communal, territorial, linguistic and personal grounds. Real representation and real parties can, under existing conditions, emerge only out of communal electorates.

Nomination of officials is necessary. Nomination of non-officials to represent important minorities is also necessary. But in no case should fictitious nomination be made such as a Brahmin lawyer aspiring to the post of a sub-judge to represent factory labour, or a Brahmin liberal politician representing the factory labour in the Assembly.

Over represented communities should not be allowed to capture further seats through the back doors of nomination, as in the case of a Brahmin lawyer and a Brahmin lady in the Central Provinces Council.

4. (a) We are not in favour of complete Provincial Autonomy, but having regard to our numbers and therefore to our large interests in the government of the country, we are of opinion that one of the Executive Councillors should be a member of the Depressed Classes.

7. Courts and Judiciary should be so constituted by legislation that there may be representatives of different communities on these in order that the people may have confidence in the administration of justice.

8. (d) Caste system in the Hindu community, with consequent social inequality, is thoroughly inconsistent with ideas of democracy. As long as social inequality remains, political equality is impossible. The Brahmin is responsible for imposing the caste system, and for perpetuating it. In this system the Depressed Classes are relegated to the lowest position, and six crores of them forming one-fourth of the population of British India are actually treated as untouchables, unhearables and unseeables, and access to public wells, temples, schools, roads, serais, rivers, tanks, etc., is denied to them, and several other indignities have been imposed upon them, and they are actually treated as worse than animals. Their efforts to secure equal rights with others in these respects, as also the efforts of social reform societies like the Satya Shodhak Samaj have been stoutly opposed by the Brahmins. At present they have practically got the monopoly of all the Government offices, and they have always made use of their official and unofficial power to keep this community in its depressed condition. Whenever the untouchables have come into conflict with the Brahmins and caste Hindus in their struggle for securing their just rights, the British officials, instead of throwing their support on the side of natural justice, have shown a desire to keep the caste Hindus satisfied. Under existing conditions, emancipation of this large community from social slavery seems possible only by legislation backed up by determination on the part of British officials to secure to this community its ordinary rights of humanity. This social ostracism of the untouchables is causing them enormous economic and political loss.

7. 10 (c) There should be proportionate representation of all communities in all public services. At present the Depressed Classes forming one-fifth of the population of British India are almost entirely excluded from these services.

(c) In recent years there has been considerable Indianisation of higher services, but there is not a single member of the Depressed Community throughout India who has derived any benefit from this change. Indianisation, as carried out in recent years, has resulted in the transfer of power into the hands of people who are unsympathetic towards the interests of the Depressed Classes. For a long time to come the Depressed Classes will require protection while they are going through the struggle to improve their position, and this protection means a strong British element in the higher services capable of understanding the real issue and giving necessary protection to the Depressed Classes during the period of their legitimate struggle.

11. As a result of continued neglect of this community, it has lagged far behind the other classes in education. Justice demands that more public revenues should be spent, and special efforts be made by the State, to educate the members of this community. The members of this community being very poor, it is necessary to help the students liberally with scholarships. It is also necessary to liberally provide hostels for these boys. The tendency to deliberately pluck the students of the Depressed Classes in examinations seems to be on the increase. This is due to the hostility of the higher classes to the educational advancement of the members of these classes.

## SUPPLEMENTARY MEMORANDUM.

### I. PRELIMINARY.

(i) *Population.* The Depressed Classes in the Central Provinces and Berar are about 3,000,000 or about 25 per cent. of the whole population.

(ii) *Social inequality.* Owing to the caste system, for the imposition and perpetuation of which the Brahmins are responsible, the Depressed Classes are relegated to the lowest position, and they are actually treated as untouchables, unhearables and unseeables. Access to public schools, roads, wells, tanks, rivers, serais, temples, etc., is denied to them and several other indignities have been imposed upon them. In short, they are actually treated as worse than animals. Their efforts to secure equal rights with others in these respects as also the efforts of social reform societies like the Satya Shodhak Samaj have been stoutly opposed by the Brahmins. Thus they have been denied all social, political and economic rights, causing them their enormous economic and political loss. This caste system coupled with its consequent social inequality is thoroughly inconsistent with ideas of democracy. As long as social inequality remains, political equality is impossible.

(iii) *Protection.* Under existing conditions, whenever the so-called untouchables have come into conflict with the Brahmins and the caste Hindus in their struggle for securing their just rights, the British officials, instead of throwing their support on the side of the natural justice have shown a desire to keep the caste Hindus satisfied. Indianisation as carried on in recent years has also resulted in the transfer of power into the hands of people who are unsympathetic towards the interests of the Depressed Classes, with the result that there is no guaranteed protection.

(iv) *Representation.* Most of the members of this community are labourers and property qualifications give them no chance of being included in the electorate and thus exerting its influence in the affairs of the provinces and those of the country. As also in the general electorate this community has no chance of having representatives elected to the central and provincial legislatures and also local bodies owing to the prejudice of other communities. Representation on a very small scale has been given to this com-

## CENTRAL PROVINCES DEPRESSED CLASSES ASSOCIATION

munity by nomination on the provincial legislature and on some local bodies, with the result that they can exert almost no influence.

(v) *Public Service.* At present the Brahmins have practically got the monopoly of all Government Offices. The Depressed Classes are excluded almost entirely from public services. This has resulted in creating and increasing the doubt in the minds of the Depressed Classes about the judiciary of these provinces.

## II. RECOMMENDATIONS.

(i) *Franchise.* Every adult with an annual income of Rs. 96 should have a right to vote for the Legislative Council, Municipality and Local Bodies. Franchise for the Central Legislature should be sufficiently lowered for the Depressed Classes.

(ii) *Method of Election.* Election should be by direct voting and by ballot in all the bodies.

(iii) *Representation.* There should be only a communal representation and not also a class representation at the very time till at least 1950, strictly in proportion of their population. There should be five communal divisions as follows :

- (a) Brahmins,
- (b) Non-Brahmins,
- (c) Depressed Classes,
- (d) Muhammadans,
- (e) Non-Hindus and Non-Muhammadans.

We entirely agree to the principle of election by separate electorate. But considering our present economic and educational condition, we think that for the next twenty years representation of the Depressed Classes of these provinces on the provincial and central legislatures may be made by nomination on the recommendations of the All-India Depressed Classes Association, and not as at present on the recommendations of officials—most of them are caste Hindus, by whom right type of persons are not recommended. Hence the opinion of the educated section of the Depressed Classes should be taken.

Nomination of officials is also necessary.

We are not in favour of complete provincial autonomy. And having regard to our members and therefore our large interests in the government

of the province and having regard particularly to the constant prejudice of the caste Hindus against this community in these provinces, we are of opinion that one of the members of the provincial cabinet should be from the members of the Depressed Classes.

(iv) *Strength of the legislatures.* Strength of legislature of the province as also that of the Legislative Assembly and Council of State should be increased, and there should be no second chamber for the Province.

(v) *Public Services.* As the Brahmins have practically got the monopoly of all the government offices at the entire exclusion of the Depressed Classes and other backward communities, communal representation offers them the only chance of insuring this community into the services. And in order that the people may have confidence in the administration and justice of the province, different communities should have proportionate representation in all kinds of public services, viz., (a) Police, (b) Judicial, (c) Executive and (d) Administrative.

(vi) *Education.* As a result of the continued neglect of the Depressed Classes coupled with the tendency to pluck the students due to the hostility of the caste Hindus towards them, they have lagged far behind the other classes in education. This community being very poor, justice demands that more public revenues should be spent and special efforts be made by the State to educate them. Hence we think it necessary to liberally provide hostels for the boys, to give special scholarships to the girls, and to give other educational facilities to the boys and girls of these classes.

(vii) *Protection.* Under existing conditions the Depressed Classes will require protection for a long time to come, while they are going through the struggle to improve their position. This protection means a strong British element in the higher services capable of understanding the real issue and giving necessary protection to them during the period of their legitimate struggle. Emancipation of this large community from social slavery seems possible only by social legislation backed by determination on the part of the British Officials to secure to this community its ordinary rights of humanity.

### Memorandum submitted by the Central Provinces Depressed Classes Association.

We, the accredited representatives of the Depressed Classes of the Central Provinces, beg to submit the following for the kind and favourable consideration of the Commission.

The Depressed Classes, which in spite of the benefits of the Western education, are supposed by the Hindus to cause pollution to the temples and wells, ordinarily resorted to by them (Hindus), and are on that account forbidden to them, form 20 per cent. of the total population of the province. They are the most down-trodden people of India, and, having due regard to the treatment which they have received at the hands of the Hindus in the past, they need special consideration for safeguarding their political rights and entity in the formulation of the next instalment of reforms.

In the past for a long time even the public schools were closed to them and the benefits of education were denied to them. They were not free to follow avocations other than the ones which were followed by their ancestors. The necessary result of Hindu

oligarchy has been that the bulk of the Depressed Classes is illiterate and very poor.

In the last instalment of reforms the constituencies were unfortunately formed into Muhammadan, the special, and the Non-Muhammadan, the general, and they were included with the Hindus in the latter. On account of the poverty of their classes and the high franchise the bulk of their population could not have the voter's qualification, and owing to lamentable general illiteracy they were not able to make an intelligent exercise of the franchise in their interest. Their inclusion in the general constituency only resulted in swelling the numbers of their tormentors, the Hindus, who are responsible for their present unenviable remained position in the polity of the country.

It is, therefore, humbly submitted that in the next instalment of reforms which are under consideration they should be granted the following:—

1. Governor's power of veto and certification should be maintained, and for the protection

15 March, 1929.]

ALL-INDIA DEPRESSED CLASSES ASSOCIATION AND THE  
CENTRAL PROVINCES AND BERAR DEPRESSED CLASSES ASSOCIATION.

[Continued.]

- of minority interests he should be further invested with powers of control, superintendence and supervision ;
2. Separate representation in the Legislatures and all public bodies including the University in proportion to their numerical strength ;
  3. Posts in Government Services and all public bodies should be left open to them, and the minimum qualification absolutely necessary should be required of them ;
  4. They must be given a representative in the Cabinet to protect and advance their interests, and his salary, and the vote of confidence in him should depend exclusively on their votes ;

5. Having regard to the fact that they have been exploited in the past to the advancement of the Hindu community, they should be given special grants for education, and
6. No Bill, nor any clause thereof, nor any resolution affecting them or other minorities in the province, shall be proceeded with if three-fourths of the members of the community or interests affected by it, are opposed to it.

In conclusion, we humbly and respectfully hope that the above would receive favourable consideration and be guaranteed to them in the proposed Government of India Act, for which we shall ever remain, as in the past, loyal to the Crown and pray for the continuation and prosperity of the British Empire.

### The deputation of the All-India Depressed Classes Association and the Central Provinces and Berar Depressed Classes Association.

The deputation consisted of :—

All-India Depressed Classes Association :—

Mr. G. A. GAVAI, M.L.C., General Secretary  
(Spokesman).  
Mr. DEVIDASS JATAO (Delhi).  
Mr. S. U. KATANGALE, M.L.C.  
Mr. NANDAGOALI.

The Central Provinces and Berar Depressed Classes Association :—

Mr. G. M. THAWARE.  
Mr. J. G. SONONE.  
Mr. S. G. NAIK.

41. *The Chairman :* This is a deputation, as the members of the Joint Conference will see, really representing the Depressed Classes. Gentlemen, we are glad to see you. Am I right in thinking that it is Mr. G. A. Gavai, a member of the Legislative Council, who is here ?—(Mr. Gavai) Yes.

42. Are you the general secretary, Mr. Gavai ?—Yes, sir.

43. Of which body ?—Of the All-India Depressed Classes Association.

44. Then, Mr. Devidass Jatao comes from Delhi ?—(Mr. Jatao) Yes.

45. Mr. Katangale, you are a member of the Legislative Council here ?—(Mr. Katangale) Yes.

46. One of the four nominated members ?—Yes.

47. Is there also a Central Provinces and Berar Depressed Classes Association ?—(Mr. Gavai) Yes.

48. And they have got representatives here ?—Yes.

49. We should be glad to hear shortly from you what you would like to say. I will just remind you that apart from having a very important Memorandum from the All-India Depressed Classes Association, which we have all of us studied, we have also got a great many other documents about you ; and, as I make out, in this province the two chief depressed castes are the Mahars and Chamars. The Mahars are about 882,000 and the Chamars 1,171,000. And according to the census we get a total of very nearly 3,000,000 out of a total population of 16,000,000. So this is a very important case indeed. Then I gather from the Government Book that has been supplied to us that if you take an ordinary typical district hardly any of the Mahars at present are qualified to vote in the general constituencies ?—It is so.

50. I do not think there is any Mahar in the Council at present ?—Elected ?

51. Yes ?—No.

52. There has been a Chamar ?—Yes, he was sent in by the Extremist Party.

53. In the first Council, I think ?—Yes.

54. In the first Council there was a tendency for people to stay away and put other people in ?—Yes.

55. You have a Chamar nominated to the present Council ?—Yes.

56. Now what is it you gentlemen would like to tell us ?—We want, sir, a separate electorate and a lowering of the franchise. We want a separate electorate for the Depressed Classes and communal representation in the Services, and also a member of the Cabinet.

57. Take the first point. You say you would like to have a separate electorate. What is your idea of the qualification for an elector ?—We have suggested in our Memorandum that a man getting an income by labour of Rs96 should be entitled to vote.

58. And how is it to be ascertained, whether he gets that income or not ?—That can be ascertained from the wages they get.

59. What percentage of these people do you think can read and write ? You are proposing a separate electorate. I want to know how far that separate electorate would be illiterate and how far it would consist of people who can read and write.—Most of the members to be elected would be literate, but the voters mostly would be illiterate. There is a very small percentage among the Depressed Classes who are literate.

60. To what extent do you think at present, Mr. Gavai, that members of the Depressed Classes in this province are voters in ordinary constituencies ?—They are not even one per cent. There are very few. I do not think in the whole of the Central Provinces and Berar there are one per cent. of the population who are entitled to vote for members of the Legislative Council.

61. The Depressed Classes supply a good deal of the industrial labour ?—In villages they are agricultural labourers.

62. But, apart from agriculture, they also supply a good deal of the industrial labour. Let us take the great mills in the province. Do you tell me that a Depressed Class man working in a mill never gets the qualification for the ordinary vote ?—Yes, sir, according to the present system of qualification.

63. We were told as a matter of fact yesterday,

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POLITICAL ASSOCIATION, CIVIL LINES, WARDHA.

[Continued.]

when we heard some evidence, that there were some having such a qualification.—That is in urban areas.

64. I did not ask you to exclude the urban areas from your answer. I asked you of the industrial worker. Let me put my question again. Is it not a fact that the Depressed Classes supply a good deal of the industrial workers?—Yes.

65. In the mills and factories?—Yes.

66. And do you tell me that no Depressed Class persons who are employed in industrial work in mills and factories have the qualification for a vote?—So far as the Central Provinces are concerned the Municipal Act is very liberal here and there is a considerable number of voters from the Depressed Classes.

67. I do not quite follow it. Do you believe that there would be in a place like Nagpur a number of Depressed Class persons who, as a matter of fact, would be qualified to vote in a general constituency?—Yes, but they will not return their men as the number of voters is very small.

68. Are they qualified to vote?—In Nagpur there are men so qualified.

69. You want to have them separated off from everybody else, and you suggest that they should then form a separate electorate?—Yes.

70. Would you prohibit a Depressed Class man who improved his position from being a voter in a general constituency?—Yes, he will not achieve much.

*The Chairman:* I see your ideas. I am much obliged to you.

71. *Rao Bahadur Rajah:* Mr. Gavai, you just now said that you want a separate electorate for the Depressed Classes?—Yes.

72. Supposing a separate electorate is formed for the Depressed Classes, if a member of the Depressed Classes has got a vote in the general constituency would you allow him to vote there or in the separate constituency?—I will allow him to vote in the separate constituency.

73. If he wants to vote in the general constituency will you have any objection?—Yes.

74. You will not allow him to exercise his vote both in the general constituency and in the separate constituency?—That is impossible, I think.

75. What do you mean by "Depressed Classes"?—The classes who are considered as untouchables.

76. I want to know whether the term "Depressed Classes" is constituted of certain communities or castes?—They are a group of castes put in a similar degraded position.

77. And who are denied all social, political and economic rights?—Yes.

78. You say that in a general electorate this community has no chance of having its representatives elected?—That is so.

79. You want representation in proportion to the population?—Yes.

80. Do you also advocate separate electorates for the Legislative Assembly?—Yes. Such representatives should be chosen on the recommendation of the All-India Depressed Classes Association.

81. You want the All-India Depressed Classes Association to recommend names to the Government for nomination?—Yes.

82. And what is the proportion you would demand in the Legislative Assembly?—According to the numerical strength.

83. On the population basis there also?—Yes.

84. Are you against the Indianisation of the Services?—Dead against.

85. Why?—We are treated much better at the hands of foreigners than at the hands of our so-called brethren.

86. Supposing you are given your adequate share in the Public Services would you then also refuse to have Indianisation in the Services?—Yes.

87. The Depressed Classes are now labouring under some social disabilities, and how can you expect this Commission or the Government to help you in this?—So far as justice is concerned they can help us. For instance in the matter of using public wells the Commission can recommend to enforce the law. So far as the law is concerned it is all right.

88. What I mean is this, whether these social disabilities have got a political background?—Yes.

89. And whether these social problems influence political problems in India?—Yes.

90. Am I to understand that the social disabilities should be removed before political power is given to Indians?—Yes.

91. And if these social disabilities are not removed and political power is given to Indians they will perpetuate these social disabilities?—Yes.

92. So in order to get rid of these social disabilities you want political power to be given to the Depressed Classes also?—Yes.

93. And for that you want a separate electorate, adequate representation in proportion to the population and representation in the Services and in the Cabinet?—Yes.

## Memorandum submitted by the President, Central Provinces and Berar Non-Brahmin Political Association.

On behalf of the Central Provinces and Berar Non-Brahmin Political Association I have the honour to submit the Memorandum attached herewith for your consideration. This Memorandum has been prepared as a result of joint deliberation by members of the Select Committee appointed by the Central Provinces and Berar Non-Brahmin Political Conference held at Karodi in the Akola district on 8th of April, 1928, and which was attended by over 5,000 members. The Memorandum represents the unanimous opinion of the members of the Select Committee.

2. *The Non-Brahmin Party.* A brief explanation of the aims and objects of this party and its composition will be helpful in understanding the real political situation in the southern half of the country. Conditions of the northern half of the country are different, and most of the views represented in this Memorandum apply in particular to the Nagpur and

Berar Divisions of the Central Provinces and the whole of Bombay and Madras Presidencies, excepting the Province of Sind.

The Non-Brahmin Party consists mainly of the masses who are exploited by the classes. The Non-Brahmin masses are mainly agriculturists and labourers and are the producers of the wealth of the country, and are mostly residents of the rural areas. These masses have for generations been neglected and subjected to a ruthless process of exploitation by the political class. These masses are backward in education and have not till recently taken any appreciable part in politics. Politics has, until the advent of the Non-Brahmin Party and the Depressed Classes into the political field, been a game of the political class mostly living in the urban areas, and whose occupation is mainly that of lawyers and Government servants. This class is the Brahmin. All political organisations—excepting those of the

CENTRAL PROVINCES AND BERAR NON-BRAHMIN  
POLITICAL ASSOCIATION, CIVIL LINES, WARDHA.

[Continued.]

Non-Brahmins, Depressed Classes and Muhammadans—are Brahmin-ridden organisations, and are merely run for strengthening the grip of the Brahmins over the masses and for getting hold of more power from the British. Their ultimate aim is a Brahmin Raj. Their population is under 5 per cent. of the total population and they monopolise between themselves 80 per cent. of the Public Services and hold a good many of the highest appointments in the gift of the Crown. The so-called Indianisation of the Services, which has proceeded too rapidly within recent years, has really resulted in Brahminisation of the Services. In other words, all the powers transferred to Indians and in the name of Indians have been in effect transferred to this one small section, viz., the Brahmins. This has resulted in strengthening the position of the exploiters and weakening that of the exploited masses. The so-called Indianisation has thus been a curse so far as the masses are concerned. There is absolutely no community of interest between the Brahmin who holds all the great majority of offices of power, patronage and profit and the Non-Brahmin masses. The political organisations other than the three specified above are merely Brahmin organisations run for their benefit and are in no sense representative of the interest or opinion of the masses.

The Brahmin class being politically and educationally far advanced has succeeded in dominating all local bodies and councils, and is also almost entirely in possession of the press and has systematically used its position to benefit itself to the exclusion of others. To give only one instance, an analysis of the Budget of the Central Provinces Government will show that almost all the revenues are contributed by the Non-Brahmin masses, and a very large share of the money, in one shape or the other, is spent for the benefit of the urban Brahmins, and little or nothing is spent for those who contribute the revenues. Little or nothing is spent on rural education, sanitation, medical relief, communications and agriculture, the mainstay of the country. The Constitution should provide for earmarking substantial funds for rural amelioration.

The Brahmins are very fond of describing themselves as Nationalists and Patriots. But in actual practice they are intensely and selfishly communal. The Non-Brahmin Party, as the name implies, includes all except the Brahmins. Its membership is open to all Hindus, Muhammadans, Christians, Jains, Parsees and everyone else except the Brahmins. The real interest of the Brahmins is directly opposed to the interest of the rest who form the Non-Brahmin Party. This Party stands for the communal representation in Public Services, Legislatures and Local Bodies. As long as the caste system remains it is idle to talk of a nation and the existence of different communities must be recognised as a fact, and these communities cannot be satisfied until their share of power, patronage and profit is assured to them. And hence the need for communal representation and communal electorates. The Brahmin-ridden organisations on the other hand are opposed to communal representation as thereby they stand to lose the advantage they have gained in the past.

It is the Brahmin who is responsible for dividing the Hindu society into innumerable castes, at the top of which he has placed himself and has attached to this caste system religious sanction which appeals very strongly to the sentiments of the illiterate masses. The real motive behind it is political and it is based on the principle of "Divide and Rule." The emoluments which he has attached to his exalted religious position bring him a great deal more than the revenues of the Government of India, and he is determined with all the forces at his command to perpetuate this caste system. His cry of Nationalism and Patriotism is all sham. Whatever may be the objects of the Hindu Mahasabha as originally started, in the southern part of the country, in actual working it has created greater tension between the Hindus and Muhammadans and tended

to strengthen the grip of the Hindu caste system with all its implications. This organisation appears to be a purely religious organisation. It is noteworthy that it has been running candidates for seats on the Legislative Councils and the Assembly, and its leaders have declared that one of its objects is to fight the principle of communal representation and to create a new bond of alliance between communities that are opposed to communal representation in the political field. The Non-Brahmin Party has thus come into existence for protecting itself against the social and political exploitation by the Brahmins. The Brahmin and Non-Brahmin issue in these provinces is as real as the one between the Hindus and the Muhammadans in the northern half of the country. The social organisation known as the Satya Shodhak Samaj, which has been working in the Bombay Presidency, Berars and Nagpur Division for the last fifty years has greatly changed people's ideas regarding the caste system. It stands for removal of caste barriers and all vicious and ruinous customs in Hindu society and it naturally comes into conflict with the Brahmin interest, and every effort is made by the Brahmins to misrepresent it and even to crush it. The awakening among the masses as a result of this movement has been very great and the masses are prepared to support beneficent social legislation. But as long as the franchise is confined to a few people with property qualifications there will be no chance for the masses to help themselves against ruinous social customs. In the circumstances of this part of the country, therefore, a considerable widening of the franchise is a necessity. The right of communal representation in the Services, right of temple entry for the Depressed Classes, and the free use of all places of public resort should be embodied in the Constitution.

3. The Select Committee has nominated the following persons to appear before the Royal Commission to give evidence:—

- (1) Rai Bahadur K. S. Nayudu, B.A., LL.B., President, Central Provinces and Berar Non-Brahmin Association, Wardha.
- (2) Mr. N. G. Amritkar, B.A., LL.B., Pleader, Morsi, District Amraoti.
- (3) Mr. Pandharinath Sitaram Patel, Secretary, Non-Brahmin Association, Ghikhlhi, District Buldana.
- (4) Anand Swami, President, Non-Brahmin Association, Ghikhlhi, District Buldana.
- (5) M. G. A. Gavai, M.L.C., Mahal Tekdi Road, Amraoti.

Memorandum of the Central Provinces and Berar Non-Brahmin Political Association, adopted by the Select Committee appointed by the Provincial Conference held on the 8th of April, 1928, for submission to the Indian Statutory Commission, in reply to the Questionnaire issued by it.

1. (a) Every adult having an income of Rs120/- per year should have a right to vote for the Legislative Councils and Local Boards and Municipalities.

(b) Elections should be by direct voting and by ballot in all bodies.

(c) To safeguard the interests of different communities there should be communal representation in all bodies based on the following communal electorates:—

- (1) Brahmins.
- (2) Muhammadans.
- (3) Depressed Classes.
- (4) Non-Brahmins.

Explanation. Muhammadans and Depressed Classes really form part of the Non-Brahmin political group. But for some time to come their separate representation seems necessary.

The number of representatives of each community

## NON-BRAHMIN PARTY, CENTRAL PROVINCES AND BERAR

in all bodies should be proportionate to the population of each community.

Economic interests may continue to be represented as at present.

The University seat should be abolished.

No voter should be required to travel more than two miles to record his vote.

At present there is no community of interest between the electors and their representatives in the Council. In fact, their interests are opposed to each other.

Such parties as exist in the Councils are merely nominal. Real representation and real parties can under the existing Indian conditions emerge only out of communal electorates.

Nominations of officials is necessary. Nominations of non-officials to represent important minorities is also necessary. But in no case should fictitious nominations be made, such as that of a Brahmin lawyer aspiring to the post of a sub-Judge representing factory labour.

8. (d) *Social progress in British India.* The caste system in India is thoroughly inconsistent with ideas of democracy. Several vicious social customs exist which are utterly detrimental to the healthy growth of the Hindu community. The Brahmins are responsible for the existence and perpetuation of these customs. Several efforts at beneficent social legislation against most degrading and shocking customs have in the past been stoutly opposed by Brahmin legislators. The real implications of the caste system and its degenerating effects have not been fully realised, and attempts at social advance-

ment have not met with the sympathy and support they deserve.

10 (c) and 7. There should be proportionate representation of all communities in Public Services. At present these Services are the monopoly of the Brahmins, who are exploiting the masses and have been using their official positions to retain their grip over the masses.

(e) In recent years there has been considerable Indianisation of higher Services. In actual effect it has resulted in Brahminisation of Services and the weakening of European element and lowering the efficiency of the administrative machinery. In practice it has been found that a Brahmin official is a Brahmin politician first and an official next. The non-Brahmins want the Services to be held by themselves in proportion to their numbers. At present they are too weak to resist the combined efforts of the Brahmin officials and non-officials to keep them down, and for some time to come they consider it necessary to retain a strong British element in the Services to protect them until they secure sufficient power in their hands to protect themselves. This British element should consist of experienced officers of the right type.

11. At present most of the money spent on education by the Provincial Government is spent in urban areas where only 10 per cent. of the population lives, and most of this money benefits the Brahmins.

Most of the rural population consisting of 90 per cent. is illiterate for want of schools in rural areas. The real need of the province is to divert funds from higher education to primary rural education and rural reconstruction.

### Memorandum submitted by the Non-Brahmin Party, Central Provinces and Berar.

1. (a) The constitution of the Provincial Government should be one Governor with an Executive Council of four members—one British and three Indians—representing all interests and all Communities, responsible to Parliament for the next ten years, and responsibility to electorate to be gradually evolved by establishing healthy constitutional conventions. Tenure of office of the Executive Councilors to be five years.

(b) The Governor and the Governor-General should have the power of vetoing or certifying all legislation.

2. (a) The membership of the Legislative Council C.P. and Berar should be raised so as to provide for one rural seat for each Tahsil, and Maharashtra Brahmins should not be eligible for standing for rural constituencies.

(b) Every adult having an income of Rs120/- per year should have a right to vote for the Legislative Council and Local Bodies.

(c) There should be communal representation in Legislative Councils and Local Bodies based on the following electorates:—

- (1) Brahmins,
- (2) Muhammadans,
- (3) Depressed Classes,
- (4) All the rest.

(d) The number of representatives of the aforesaid four communities should be proportionate to their respective populations.

(e) Economic interests may continue to be represented as at present.

(f) University seat should be abolished.

(g) Nomination of officials is necessary to make expert advice available.

(h) Nomination of non-officials to represent important minorities is also necessary.

(i) No Maharashtra Brahmins should be nominated on any of the bodies.

(j) No voter should be required to travel more than a reasonable fixed distance to record his vote.

(k) President of the Legislative Council should, for a period of 10 years, be a non-official, nominated by the Governor. Tenure of office of the President to be five years.

3. The following provisions should be made in the Constitution:—

(1) Earmarking of certain proportion of the revenues for expenditure on rural education, sanitation, medical relief, communications and agriculture.

(2) Proportionate communal representation in the Public Services of the country.

(3) Right of entry in the Hindu temples and the free use of all places of public resort for the Depressed Classes.

(4) A minimum number of appointments in all branches of Public Service to be held by Europeans should be fixed so as to ensure a sufficiently strong British element in the Services.

(5) Income-tax should be provincialised and all provincial contributions to Government of India should be abolished.

K. S. NAYUDU.  
President, C.P. & Berar Non-Brahmin  
Political Association.

Nagpur, 15-3-1929.

APPENDIX NO. 1.  
REPORT ON THE TERRITORIES OF THE RAJA OF NAGPUR  
SUBMITTED TO THE  
SUPREME GOVERNMENT OF INDIA

BY  
RICHARD JENKINS, ESQ., RESIDENT AT THE COURT  
OF HIS HIGHNESS THE RAJA OF NAGPUR.

1827.  
NAGPUR:  
PRINTED AT THE SECRETARIAT PRESS.  
1901.

PAGES 24 AND 25.

*Inhabitants of the country.* The Brahmins are mild and courteous in their manners, particularly in the presence of superiors; but in their intercourse with other classes they are often proud and overbearing. They are great flatterers and dissemblers, and have a complete command over their tempers, which they never lose where their interests are at stake. They are quick, penetrating, and can express themselves with readiness and propriety on all occasions.

The manners of the peasantry and lower classes, both of the city and country, though rougher than those of the Brahmins, are more pleasing to Europeans. The most remarkable feature, perhaps, in the character of the Mahrattas of all descriptions, is the little regard they pay to show or ceremony in the common intercourse of life. A peasant or mechanic of the lowest order, appearing before his superiors, will sit down of his own accord, tell his story without ceremony, and converse more like an equal than an inferior; and if he has a petition to present, he talks in a loud and boisterous tone, and fearlessly sets forth his claims. Both the peasantry and the better classes are often coarse and indelicate in their language and many of the proverbs which they are fond of introducing into conversation are extremely gross. In general, the Mahrattas, and particularly the cultivators, are not possessed of much activity or energy of character, but they have a quick perception of their own interest, though their ignorance of writing and accounts often renders them the dupes of the artful Brahmins.

*State of the moral character.* The morals of the Brahmins are described, both by Captain Williamson and Captain Gordon, to be very depraved. In all their dealings with the Government they show a total disregard to truth and common honesty, and they are found to be a deceitful, intriguing, and unprincipled race. They are not naturally cruel, but to gratify their avarice, they do not scruple to employ torture and the most cruel punishments. They are considered to be bad masters. Their charity only extends to their own tribe. They unblushingly condemn anything like honest or upright conduct, and deceit is regarded by them as the perfection of wisdom. There are, no doubt, many respectable individuals amongst them, but so sensible are they of the venality of their own order, that if they recommend one of their own relations, even for employment under Government, they either force him to give security, or hire a person to watch his proceedings. Their vices are in part redeemed by some virtues. The Brahmins are quiet, sober and intelligent; they are fond of their children and kind to their women.

APPENDIX NO. 2.

REPORT OF THE LAND REVENUE SETTLEMENT OF THE CHANDA DISTRICT, CENTRAL PROVINCES, 1869, BY MAJOR C. B. LUCIE SMITH, M.S.C. NAGPUR. PRINTED AT THE CHIEF COMMISSIONER'S OFFICE PRESS. 1870.

COMMISSIONER'S REVIEW ON THE CHANDA DISTRICT SETTLEMENT REPORT.

*Para 5, Brahmins.*—Major Lucie Smith quotes from reports written forty years ago passages regarding the Brahmins of the Nagpore country, and he fully endorses Sir R. Jenkins' opinion of their

character, and their influence upon the district. It seems as if the Mahrattas and Koonbees had held their own against the Brahmins in the Nagpur and Wurdah districts where the personal influence of the Bhonslah kings was felt. But for the last forty years the Brahmins seem to have worked their will among the alien Gond and Telogoo races in Chanda. In Chanda, if anywhere, Professor Max Muller's theory holds good—that "Brahminical influence pervaded the whole community, not as a vivifying influence but as a deadly poison." I am glad, however, to be able to think that the Nagpore and Chanda Brahmins are not all bad. Many of them do their duty and business well in many walks of life. We cannot expect that the Brahmins will, within any definite time, cease to be the leaders of Hindu society. But we may hope that the example of the Mahratta Brahmins of the Konkan, who are now so largely employed in this part of the Deccan, will spur on the rising generation of Nagpore Brahmins to educate themselves and to think for themselves. Brahmins mainly congregate in towns where there are good Government schools, so that they can qualify themselves to become leaders instead of obstructors of Chanda progress.

CHANDA SETTLEMENT REPORT.

CHAPTER I.

GENERAL DESCRIPTION.

*Para 151, Brahmins 6,510.*—The Brahmins, though numbering only 6,510, are a very important class, and during the time of the Mahrattas their influence was paramount; indeed those days are known among the people as the "Brahmin raj." As a race the Brahmins possess marked ability and industry, and have courteous manners, with a great talent of ingratiating themselves with those they wish to please, but they are regardless of truth, unscrupulous and intriguing, overbearing to their inferiors, avaricious in money matters and dissolute in morals, grasping landlords and hard creditors, and reach their worst type in the Nagpore Brahmin, whose greed in days gone by entailed unnumbered evils upon the Chanda people. There are of course many individuals to whom this description does not apply, and who are valued members of the upper class, but these form the exception; and to show that this sketch of their general character is not too highly coloured I would extract the picture drawn of them in 1826 by Sir R. Jenkins. (Vide Appendix No. 1.)

Three-fourths of the total number in the district are Mahratta Brahmins, who are chiefly landowners, moneylenders, shopkeepers, priests, Government officials, and private servants where clerical work is required. The Telogoo Brahmins are the most learned of the body, and have some excellent Sanscrit scholars among them, while the Hindoostanee Brahmins have originally come south to obtain Government employment. The Goojrathi Brahmins, on the other hand, are bankers and landowners, and belong mainly to the influential families.

APPENDIX NO. 3.

REPORT ON LAND REVENUE SETTLEMENT OF THE NAGPUR DISTRICT 1809, BY SIR R. H. CRADDOCK, OFFICIATING COMMISSIONER OF SETTLEMENTS.

PAGE 26, PARA 52.

	1872	1801
Mahratta Brahmins	14503	16009
Hindustani Brahmins	5080	6645

*Para 52.*—The Brahmins may in one sense claim to be discussed along with agriculturists. They comprise the largest landowners, and hold besides a great deal of land in tenant right, or as small plot-proprietors. The Hindustani Brahmins, who are in a large minority, are engaged in shopkeeping, moneylending, and service, but when they hold



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land they do more in the personal supervision of their agriculture than the Mahratta Brahmins, who are for the most part non-resident.

But it is the Mahratta Brahmins of whom most is seen in Nagpur. They almost monopolise the appointments in Government service, at least all the better class of appointments. An outsider in an office largely manned by Mahratta Brahmins stands a very small chance of success; every slip he makes is at once brought to light, while the faults of members of their own community are carefully glossed over. Excellent judges of character themselves, they are past-masters in concealing their own thoughts.

Sir R. Jenkins, in a passage often quoted (but which I will not reproduce as being too dark a picture at the present day), recorded a very unfavourable opinion of the Brahmins. The Brahmins of the Court entourage doubtless justified the character for intrigue and contempt for truth which he gave them. Since his day, however, Western education has raised the standard of honesty, and many upright men are now to be found among the educated members of the caste.

As traders, moneylenders, and lawyers the Brahmins are most successful, as landlords they fall far below the ideal standard. As clerks and officials

they are second to none. The barrier of exclusiveness is breaking down; their clannishness shows some signs of diminution, they are losing alike their tendency to flattery and, it must be confessed, some of the courtesy for which they were so distinguished. This change in their characteristics is partly due to the spread of education, and partly to new blood received, soon after the formation of the Provinces, from Poona, Satars, and Ratnagiri, from which places many of our higher officials originally came.

Their abhorrence of practical and mechanical work is also beginning to give way. The superintendent of the Government Farm at Nagpur is thoroughly practical, as well as a scientific agriculturist, and the son of an Extra-Assistant Commissioner, after working as an apprentice in the railway workshops, has now set up a large workshop of his own. Progress may be slow, but as the avenues to Government employment become more crowded with applicants, as the legal profession becomes more and more competitive, as the religious veneration in which the Brahmins are held weakens, which it is already perceptibly doing, they will be wise enough to turn their attention to more technical professions, and will attain as much success as practical workers as they have gained in the past as writers and officials.

## Deputation from the Central Provinces and Berar Non-Brahmin Political Association.

The deputation consisted of :—

Rai Bahadur K. S. NAIDU, President (Spokesman).  
Mr. N. G. AMRITKAR, B.A., LL.B., Secretary.  
Mr. G. A. GAVAI, M.L.C.

94. *The Chairman* : This is a deputation, is it not, from the Central Provinces and Berar Non-Brahmin Political Association?—(*Rai Bahadur Naidu*) Yes.

95. We have your Memorandum, gentlemen.  
\* \* \* Rai Bahadur K. S. Naidu, you are the president of the Association and spokesman?—Yes.

96. I wish you to tell me first of all when was this Non-Brahmin Political Association founded—how long ago?—Before I begin, may I let you have, sir, a copy of a brief statement of the case of the Non-Brahmin Party?

97. *The Chairman* : Does it differ materially from your Memorandum?—No, sir; it is in fact a brief statement of our case. (Copy of the statement handed over to the Chairman).

98. I would like to take your own course in addressing us shortly, but would you tell us when this body was established?—The Non-Brahmin Political Party really came into existence about six or seven years ago. This is a natural evolution of the Non-Brahmin social movement that was started in this province about fifty years ago. That social movement is known as the Satya Shodhak movement. That came into existence for purposes of destroying these caste barriers among the Hindu communities and consolidating them into one community. The natural development of that has been that about six or seven years ago we started the Non-Brahmin movement also.

99. I do not quite follow. You say that the object of this Association is to destroy the caste barriers?—It was only a social movement to begin with, and five or six years ago we included among our activities the political side as well.

100. I have got the impression from reading through a document that one of the rules of your

Association was that no Brahmin should belong to it?—Yes, sir. The reason for that is that the Brahmin community here has been in the social as well as in the political field systematically exploiting the Non-Brahmin communities. There is no community of interest between these two communities, and therefore it was not found possible to include that one community in our group.

101. Of course, we know this kind of division. For instance in Madras it is very well known and has had very important political effects, and to some extent in other provinces too. Would you include in your body people who are not Hindus?—Not in the social one, but in the political one we do.

102. Have you in fact got any such members?—Yes, we have got Muhammadans; we have got Depressed Classes.

103. Depressed Classes may or may not be regarded as Hindus; but you have Muhammadans?—Yes, there are Muhammadans.

104. What is your membership altogether?—We have a very large membership; I could not exactly tell you how many. Practically half the non-Brahmins of Berar and the Nagpur division really belong to us.

105. There is the secretary of this Association who will be able to tell us its membership?—(*Mr. Amritkar*) The total membership might amount to, say, about a thousand.

106. *Sardar Shivdev Singh Uberoi* : Are they all subscribing members?—Yes.

107. *The Chairman* : Anyhow it is a large and representative body. Just tell us then, would you, what you would like to represent to us. We shall be very glad to hear you?—(*Rai Bahadur Naidu*) The position in our province is one of great handicap in the matter of progress of the non-Brahmin people. We really want all that handicap to be removed; we want a fair chance to progress. At present I may tell you, sir, that the circumstances of this province differ materially from the circumstances obtaining in various other provinces. In this province we have got the meeting-ground of all communities and all

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[Continued.]

castes from all parts of India. Of these several communities that have come here, there is one community, the Maharashtra Brahmin, which has really captured all political power in the place, and the result is that we have to advance against that community in our social as well as our political activities, and these activities are naturally hampered by the obstruction placed in our way by this one community. You will find, sir, that all the points set out in this brief statement practically refer to that aspect of the case. So in the legislative councils, for instance, we have asked for the electorate to be considerably enlarged.

108. You say in paragraph 1 (a) of the statement put into my hands just now by you: "The constitution of the Provincial Government should be one Governor with an executive council of four members—one British and three Indians—representing all interests and all communities responsible to Parliament for the next ten years..." What do you mean by "responsible to Parliament"?—That means, just now the ministers are responsible to the electorate. When the subjects are reserved for ten years, which is our proposal, they will exactly be in the same position as the executive councillors are now.

109. Then you are proposing now a Constitution for the next stage in which there will be no member in the Governor's Cabinet responsible to the Legislature?—That is what I am proposing.

110. Then we come to the next recommendation, (2). You say: "The membership of the Legislative Council, Central Provinces and Berar should be raised so as to provide for one rural seat for each tahsil and Maharashtra Brahmins should not be eligible for standing for rural constituencies." You pick out the Maharashtra Brahmins, sometimes called the Mahratta Brahmins, and you say they should be disqualified?—Yes, sir.

111. Then no Brahmin should be a rural member; is that not so?—No Brahmin ought to be a rural member, sir.

112. You told me, when we started, that the guiding principle of your organisation as first conceived was to break down caste?—Yes.

113. It strikes one rather as an emphatic assertion?—We must go through a period during which we have to be struggling against this caste system and it is not a very easy thing to be destroyed. There are forces which are counteracting to perpetuate that. Already there are the Hindu Sabha activities and the Sanatana Sabha activities. All these are determined to perpetuate the caste system. So, as against our activities there are counter activities to contend with. In the meantime we have got to evolve some formula by which to go.

114. Then you say in 2 (c): "There should be communal representation in Legislative Councils and Local Bodies based on the following electorates." Then, according to you, you may have a Brahmin in the Local Body, but you have said that you do not want a Brahmin in the Legislative Council from rural constituencies?—I should also have him, sir, in the Legislative Council.

115. I thought you said in 2 (a) that there should be no Maharashtra Brahmin standing for rural constituencies?—That has not been very accurately stated there. What we really mean is that the Maharashtra Brahmins at present living in the urban areas are eligible for standing for rural constituencies and thus a very large number of them get returned to the Council. They really do not represent the rural interests, but yet they come in very large numbers.

116. But I understand your proposal is that no man should be a candidate for a particular seat unless he resides in that constituency. Is that what you mean?—Yes, that is right in one sense. Just now the Maharashtra Brahmins are eligible for standing for rural constituencies because some of them live in those constituencies, and some of them get elected

because residence in and also qualification for urban areas also qualify them for rural constituencies.

117. Is what you mean this: You want to establish a principle that the only persons who could be elected for a constituency should be people who reside in it?—Yes.

118. Does that apply also to other people besides the Brahmins?—Yes.

119. I think I appreciate what is meant here. Then we go on to 2 (c). You have to elect members to Local Bodies from (1) Brahmins, (2) Muhammadans (3) Depressed Classes, and (4) all the rest. My friend, Mr. Hartshorn, points out to me that out of the 55 elected members now in the Legislative Council all except 8 reside in urban areas?—Yes.

120. That I gather is the sort of point you make, country people to represent country people?—Yes.

121. Then I see you propose to abolish the University seat. You do not give the reason here; just tell me what your reason is?—My reason is this: In the first place it is not a residential university. In the second place all graduates are entitled to vote for this constituency, and the number of graduates in this province consists of a very large proportion of Maharashtra Brahmins. I have not actually calculated the figures, but my belief is that about 90 per cent. of the graduates are Mahratta Brahmins. They are sub-judges and pleaders living all over the province.

122. You say that 90 per cent. of the graduates are Brahmins, or is it that 90 per cent. of the Maharashtra Brahmins are graduates?—90 per cent. of the graduates who have votes are Mahratta Brahmins. The result of this is that every time it is only that community that can get returned, and in effect this is a reservation of a seat for a Mahratta Brahmin which is the most powerful community here. No other community stands the remotest chance of getting elected from this constituency for another hundred years if the constituency continues as it is.

123. That is the reason for proposing to abolish the seat, I see?—It turns out to be an indirect reservation for the most powerful community.

124. Then you propose to continue nomination of officials to make expert advice available. I suppose that is because you feel there are cases where you must have a man to give expert and skilled advice?—Yes.

125. Then further down you say that no Maharashtra Brahmin should be nominated?—My reasons are that nominations have to be provided for in the case of the weaker communities—

126. Forgive me. You say in 2 (g) that nomination of officials is necessary to make expert advice available. That has nothing to do with communities. And do you propose to make a rule that however expert a Brahmin may be, and however expert the advice he may be able to give, no Brahmin must ever be nominated as an official?—No, sir. I should like to add the word "non-official" after the words "Maharashtra Brahmins" in paragraph 2 (i).

127. At the present moment who is the man nominated to represent labour in the Legislative Council?—He is a Brahmin pleader who is now practising here, and who is an aspirant for the post of a sub-judge.

128. My experience in India has not been that the Brahmins are the only persons who want posts; not at all. But you take the view that there ought to be a law that nobody who is a Brahmin could be nominated as a non-official?—The principle behind it is this, sir: Nomination is to help people to come in who have no opportunity of coming in through election, and to allow the strongest group to come in by nomination is against that principle.

129. You take the view that as things are the Brahmin caste does in fact get a wholly disproportionate amount of influence and power, and you think that steps must be taken to prevent that from spreading and these are the steps which you suggest might be considered?—Yes, I have got the figures

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[Continued.]

for the second Council. Out of 70 members they were 22, though they are only about 2 per cent. of the population of the province; in the present Council they are 14.

130. Kindly look at paragraph 3 of your Memorandum which deals with the provisions that should be made in the Constitution. There is one which is marked No. (3): "Right of entry in the Hindu temples for members of the Depressed Classes." Do you suggest that the British Parliament should legislate that?—Certainly. Our point of view is this. These social caste divisions have got a political background. The Brahmins have introduced these to divide up the communities into various communities in order to keep a hold on them. It is a deliberate intention to call it social and thus to exclude it from the political sphere.

131. Let me explain the view which lends itself to me. I should certainly call the difficulty a social one, because it does arise in the course of the social relations of the people. The fact that one man, for example, is not willing to receive food from the hands of another is manifestly a social difficulty, is it not?—That is exactly what we are contending against.

132. It is not really a question whether you are contending against it or not. The fact is that it is a social difficulty. The question is what can be done to produce a more sympathetic state of things. I think myself that while undoubtedly it is most important to secure adequate political representation and to promote every political change which tends to break down these things, it is important at the same time to remember that social ostracism is a thing that cannot be put a stop to by an Act of Parliament?—We have got to take a step forward. I quite follow your point of view about it, but I think that these backward and depressed and oppressed classes, who are suffering under a good many unjust social customs, should be helped by legislation.

133. You see the way they can be helped does not necessarily lie along the route of making certain that they have got adequate representation and a right to argue for fair treatment?—Adequate representation is the best method which will bring out the required result.

134. *The Chairman*: Do you not feel, Mr. Rajah, that there is something in what I have been trying to get at from the deputation. It is very important to pursue all possible ways by which you may contribute to the breakdown of this state of things which I deplore as much as anybody else. But I want to face the difficulties. It seems to me that political evils can, of course, be remedied by political remedies; the right of the community to express itself and to call attention to its grievances can be secured by adequate representation, but I do feel great difficulty in a proposal, for example, that the right of entry in the Hindu temples should be laid down in a constitutional statute.

*Rao Bahadur Rajah*: We ask for the other thing, sir, viz., "the free use of all places of public resort."

*The Chairman*: That is another matter.

*The Witness (Rai Bahadur Naidu)*: If you say that the State should not interfere with social customs there will be practical difficulties in the way of our communities securing their rights. One instance that I can point to happened in 1927. There was a Hindu Mahila Sabha here. In that Sabha some Non-Brahmins pressed forward and succeeded in getting a resolution passed that the temples should be thrown open to the Depressed Classes. As a result of that one Depressed Class boy who thought that that was a great achievement (and he was very pleased with that) went to enter the Ambamayi temple in Amraoti. He was soon spotted out and prosecuted and finally convicted by a Brahmin judge and sentenced to one month's imprisonment. He did not go to the temple to create any mischief, but out of pure devotion to the deity.

135. *Rao Bahadur Rajah*: Did he go alone?—Yes.

136. *Sardar Shinde Singh Uberoi*: What was the offence committed?

*The Chairman*: I should think that there is probably some offence which is described as outraging the religious sentiment.

*The Witness (Rai Bahadur Naidu)*: In this case he was charged with criminal trespass. The idea at the back of it was that the Brahmin was in possession of the temple and everybody else could be excluded by him at will.

137. *The Chairman*: I am told that on appeal the conviction was quashed?—Yes; it was an English judge that acquitted him.

138. I think that a great many of the people who look from outside will sympathise unreservedly with the difficulty. But I frankly feel great doubts as to how far the constitutional statute can be expected to deal with this particular side of the problem?—If relieving people from slavery on any account can be the object of any constitution, I do not see why when there is public opinion to back it up it should not be backed by legislation. There is a large volume of opinion growing in favour of the Depressed Classes.

139. I am asking for practical help. Is it your deliberate view that the constitution passed by the British Parliament at Westminster should contain a provision that there should be a right of entry into the Hindu temples for everybody?—Yes, for every Hindu, as a matter of right.

140. *Sir Sankaran Nair*: Have you got any religious endowment boards here?—There are none, I am sorry to say.

141. *Lord Strathcona*: In your statement in No. 2 (d) you say: "The number of representatives of the aforesaid four communities (that is to say, Brahmins, Muhammadans, Depressed Classes, and 'all the rest'), should be proportionate to their respective populations." Do you mean that the number of representatives in the Legislative Council and also in Local Bodies of those four communities should be proportionate to their populations?—Yes.

142. I have worked out the figures, basing my calculation on the present strength of the Council. That will give us Brahmins 2, Muhammadans 2, Depressed Classes 18, and all the rest, including officials and everybody else, 40. Take Muhammadans, for instance. Do you think it will be a fair representation of Muhammadans to have only two members in the Legislative Council?—The Muhammadans are a weaker community, and I think on that ground the representation in excess of the strict number would be justified.

143. Take the Depressed Classes. Can you find 18 men who are qualified to represent the Depressed Classes in the Council?—I think you can find so many.

144. Just one other question on your printed document. You say in paragraph 3, No. (4): "A minimum number of appointments in all branches of Public Service to be held by Europeans should be fixed so as to insure a sufficiently strong British element in the Services." Do you mean that a minimum number of appointments should be fixed for all time?—Not for all time.

145. I asked that question because in your typed document you say "it is necessary to retain a strong British element in the Services to protect the non-Brahmins until they secure sufficient power in their hands to protect themselves"?—It would come to that. I thought the question was what is to be provided just now. The constitution we are suggesting should be for a limited period. We must have protection so long as we have to fight with a most powerfully organised community.

146. *Colonel Lane-Fox*: About 1 (a) in your printed document. Do you find that in your view the province has been so exploited by Brahmins that

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you would rather go back and practically do away for the time being with all the Reforms, go back to the government with an Executive Council, not responsible in any sense to an elected body?—Certainly. The downfall of the last Ministry in this province, for instance, was due to Brahmin intrigue, because there was no Brahmin in the Ministry.

147. The effect of the Reforms has been to set up an unfair domination of one particular caste?—That is so.

148. Item (5) of the last paragraph: "Income-tax should be provincialised and all provincial contributions to the Government of India should be abolished." Why do you propose that? How are you going to provide the Central Government with funds, for instance, for defence?—My only desire is to get more money for the province.

149. But you have to look to the practical disadvantages?—I do not wish to press the point; I will leave the matter to you to work out.

150. *Mr. Cadogan*: There is one sentence which I should like to be explained. It is in page 509 of your typed Memorandum. . . . an analysis "of the budget of the Central Provinces Government" will show that almost all the revenues are contributed by the non-Brahmin masses and a very "large share of the money, in one shape or the other, is spent for the benefit of the urban Brahmins, and little or nothing is spent for those who contribute the revenues?"—The Brahmins who are referred to are people who usually live in urban areas; there are very few of them who live in rural areas. They are not in any sense the producers of the wealth of the country. But the non-Brahmins, who are usually agriculturists and labourers, live in rural areas, and they are the persons who are the producers of the wealth of the province. If you look at the budget you will see that practically all the revenue of 6 crores is contributed by the non-Brahmin masses, the agriculturists and the labourers, in the shape of land revenue, stamp revenue, forest revenue, and every other revenue. If you see the debit side of the budget you will find that little is spent on them; there is just 20 lakhs provided under the head "Agriculture." If you further analyse it you will find that it is spent mostly on salaries. The situation therefore is that in rural areas you have not sufficient schools, you have no communications, and you have no medical relief. Because the Brahmin population is concentrated in urban areas it derives the greatest advantage.

151. *The Chairman*: I do not think you are quite right in your impression. I see that in 1928-29 out of 60 lakhs of new expenditure, 27 lakhs was spent on general indivisible services, and of the rest 9 lakhs was spent in urban areas while 24 lakhs was spent in rural areas?—I am not personally acquainted with the details of the 24 lakhs.

152. What I feel is this: I no doubt sympathise with you. The rural areas are so spread out that the money spent on them may seem to be comparatively little when one sees the money spent in a particular place. But if you add together the money spent in all the rural areas it may turn out to be a larger sum than it appears at first sight?—Even assuming that 24 lakhs is actually spent in the rural areas, what is it to the 6 crores that the rural areas contribute?

*The Chairman*: I do not know.

153. *Mr. Harishorn*: I see you suggest that the franchise should be extended to every adult whose income is Rs120 per annum. Can you tell us how many you think would be enfranchised on that qualification? Would not that be equal to adult suffrage?—Almost.

154. There would not be many from the adult population who are getting less than Rs10 per month?—Practically none.

155. I see that the Depressed Classes want every adult with an annual income of Rs96 to be enfranchised. If that is conceded I suppose it would

practically include everybody?—Yes. At present only those who have the property qualification are enfranchised. Roughly speaking, for this purpose, you may divide them into two groups. One is the group of the Maharashtra Brahmins. Most of them possess property and they come in in very large numbers; their number would be 20 per cent. of the electorate and they are able to cast their solid vote. The other group possessing property qualification is in the grip of the Brahmin lawyer, Brahmin landlord, Brahmin moneylender, Brahmin petty official, and it is very much influenced by the Brahmin. It is not easy for the people of this group to vote for the candidate of their own choice. Unless we get out of this and widen the franchise we will not get the right sort of men.

156. This would mean practically adult male franchise. I trust it will not include many women.—If we cannot go quite so far we will be quite content with the franchise as it is if it is considerably widened.

157. And if you had a franchise sufficiently widened on this basis you would like all election to be by ballot?—Yes.

158. No nomination?—No nomination.

159. *Sir Arthur Froom*: Your difficulty is with the Brahmin Party. You say the Brahmins secure the best representation, the best posts, and so on and so forth. Would you describe these difficulties as arising owing to difference in education between Brahmins and non-Brahmins?—Yes, partly due to education and partly due to the history of how the Maratha Brahmins have captured the power. On pages 511-2 you will find certain extracts given by me. They give the opinions of some responsible British administrators from 1827 down to 1899, and these British officers have described the position as they found it, how the Maratha Brahmins by intrigue and by unscrupulous methods have managed to gain the position that they attained. They are educationally advanced too. Even then, with all their powers, they have not treated the non-Brahmin masses fairly. In the elections you find the Brahmin official is a nuisance. He exerts considerable influence in the districts in favour of the Brahmin candidate or a candidate that will support the Brahmin, and in that way he is a terrible handicap on the backward communities that wish to advance.

160. I have read all that, this Appendix to your printed document. But what I am not clear about is this. The Brahmins are numerically very few compared with the other classes of Hindus, let alone the Depressed Classes. Why can the rest of the non-Brahmin portion not fight their own battle?—They have got all the engines of oppression, all the machine guns in their hands.

161. Education?—Education and all Public Services.

162. *The Chairman*: All Public Services?—I mean most of them.

163. *Mr. Harishorn*: You said 80 per cent.?—80 in the subordinate services and 24 in the gazetted appointments.

164. *Sir Arthur Froom*: Are there not many among the non-Brahmins who can stand up against the Brahmins? You simply regard the Brahmins as having established themselves, and you cannot disestablish them without the assistance of some . . . —I can understand that if we are given a fair chance, but if there are handicaps, persecutions and use of official pressure, as there is in the matter of elections and everything else including appointments, our position is very weak indeed. Not only had they consolidated their position in the past, but they have done most consolidation work since the Reforms. That has been the result on the backward classes of the Reforms.

165. And you do not feel you can so organise yourselves as to meet this?—Give us some machine guns. You have given them all to them.

166. *Mr. Harishorn*: You mean the vote in itself

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is sufficient?—The Brahmin uses his influence in the elections from the official downward, and every voter with property qualifications is under the grip of the Brahmin in some form or other, the Brahmin landlord, the Brahmin official, the Brahmin pleader and so on. They are using all their positions. We will get protection if you put in a proportionate representation of all communities. Then they would not go in for these elections and trouble everybody. We will be free from this nuisance then.

167. *The Chairman*: One phrase of yours was "the pleader." How is it that anybody is in the grip of the Brahmin pleader or any other sort of pleader?—I will tell you an instance. I stood for the last election, and failed. Many people who supported me were people who go to Brahmin pleaders. In these places the proportion of Brahmin pleaders is something like 95 per cent. in every Bar. The briefs of those people supporting me were thrown away and their cases were badly dealt with. Of course, they had no alternative. They had to go to one pleader or other, and most of the choice was limited to Brahmins.

168. *The Chairman*: This is a very serious thing. I belong, or used to belong, to that honourable profession. I never heard that anybody in that honourable profession of the Bar failed to conduct cases properly because he was embittered with somebody.—I am sorry to say it does exist here.

169. *The Chairman*: If it does, it is perfectly monstrous and scandalous.—It does exist on a large scale.

170. *Colonel Lane-Fox*: The whole population is not engaged in litigation. Some of them will be free from that sort of influence.—I think very few.

171. *The Chairman*: From your point of view I think you will be glad if I mention what the figures are which are before me. These figures, prepared impartially and carefully, show how many of the posts in the provincial services are held by Brahmins out of the total. I am excluding the subordinate services and take the three main departments, executive, judicial and police. The figures stand thus: In the provincial executive service out of a total of 106 officers 36 are Brahmins. In the provincial judicial service out of a total of 138 officers 95 are Brahmins. And in the police out of a total of 19 officers 6 are Brahmins. I may add that in none of the three cases, the executive provincial service, the judicial provincial service and the police service is there any European at all, so that the figures are not affected by that.—This preponderance has become a nuisance here to the rest of the community.

172. *Sardar Shinde Singh Ubero*: May I ask whether the Brahmins as a class were given some preferential privileges in the constitution of the government of this province for them to become so powerful as to outshine all other communities. Is it by the constitution of the government of this province or by their own ability and intelligence that they have come to the forefront?—I did not quite follow the question.

173. I am asking whether the Brahmins as a class were given some preferential privileges for them to advance so high and so much in comparison with other communities?

*The Chairman*: You mean by the constitution itself?

174. *Sardar Shinde Singh Ubero*: Yes.—Well, the natural result of these Brahmins holding a lot of these appointments, and being in a position to influence the further appointments, has a great deal to do with it. And secondly—I cannot say exactly how it works, whether it is a constitutional matter or not—one thing noticeable is in respect of the Reforms that we have got. We are going through a peculiar history. In this province there have been something like 10 Indian judges in the High Court appointed so far. Of these three were appointed before the Reforms. We find that during the Reforms period seven Indian judges have been appointed, and during

that period we have had two Indian Home Members, Brahmin Home Members, and we find that out of the seven judges, six are Maratha Brahmins. How it turned out one cannot say. It is too much for me to know the secret.

175. *The Chairman*: I think the answer to the Sardar's question is plainly this. There is no provision in the constitution which gives any preference. However the present situation may have come about, it is not due to any provision in the constitution.—In one sense it would be the result of this, that the constitution has not provided for proportionate representation, and as long as that provision is not made the present state of things must continue.

176. *Sir Hari Singh Gour*: You are afraid, Mr. Naidu, and you would like to have Europeans to safeguard the interests of the non-Brahmins?—Yes.

177. Do you think that the interests of the non-Brahmins are safeguarded by the Europeans in this province?—Well, my party is confining its proposals to this province. We have nothing to do with the other provinces. The conditions of this province are, as I told you, that there is one community that is busy exploiting the remaining communities by means, of course, of its industry and by intrigue.

178. You just now told us that two of the executive councillors who have been appointed by the officials here have been both Maratha Brahmins, the two Home Members, and you have said that the majority of the judges of the local court, six out of seven, were Brahmins, Maratha Brahmins. That is the doing of the European officials, is it not so?—It is more than I can say.

179. And yet you expect them to hold the balance evenly between you and the Brahmins?—I have not said that Europeans made these appointments.

180. Who made these appointments? They were not made by the ministers and not by the Legislative Council.—I take it the Member in charge of Law and Order, that is the Brahmin Home Member, must have had a preponderating influence in the matter.

181. Who appointed the Home Member? Are you not relying on a broken reed in asking for the support of Europeans who will not help you?—Divorced from any abstract propositions and taking concrete cases, my experience is that in these warring and jarring communities an Englishman has always been found to be the man who holds the balance.

182. That is what you have been trying to contend. You said first of all that the centre of power is the Home Member, and that through the agency of the Home Member the majority of these appointments have gone to Maratha Brahmins. Therefore the centre of power being in the Home Member, the question is, who appointed the Home Member, and all the mischief that you complain of may be traced directly or indirectly to that fountain head.—Well, that is a political matter.

183. That is exactly what I want you to consider.—It is not that you do not know the history, but I beg to be excused from being drawn into that.

184. I was asking you in what way your salvation lies. When you speak of being helped in your political advancement by the European officials your past experience does not justify you in relying upon them for the necessary assistance.—What I mean is, we are being actually persecuted in everyday life by this community. Every person in the non-Brahmin party or in the backward classes who is trying to come forward is being daily persecuted by the whole group, official and non-official. In this position our safety only lies, we say, in the intervention of the Englishman.

185. But how would that prevent it? That is exactly the point I am making. How would that prevent the exploitation of your community by the Brahmins?—The persecution would be reduced. We will probably get a chance to advance without

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obstruction, without undue obstruction and without improper obstruction.

186. Has it been reduced during the nine years since the Reforms? Have you not been complaining that it has been accentuated by the Reforms?—During these nine years there have been more appointments of Maratha Brahmins and a worse situation created for us.

187. That is what I am asking you. During the last nine years, by the introduction of the Reforms, there have been more appointments on the reserved side of the Government for Maratha Brahmins through the agency of the Executive Government; and that Executive Government having influenced the large number of Maratha appointments in the reserved half of government, if the popular side of the government is abolished it will accentuate the mischief?—The popular side, so far as I can see, cannot function in this province. As the backward communities are trying to come forward the organised community with all its forces is trying to curb them and keep them down, and what will be left out of the constitution is unrepresentative members, an unstable council and an unstable ministry. That ministry will be no good.

188. We are digressing from the point. The point I am making is quite different. This is a mathematical proposition. Half the government has not improved your position. Half *plus* half is the whole. Therefore your position is doubly bad if you scrap the Reforms?—I do not hold the view that the Executive Government is a bad thing. What I hold is that there are few capable men in our province—and I am glad to say that we will begin with yourself—and if you have men of that sort coming to the position of executive councillors they will be able to do more good and bring in more propositions by which we can bring about the material and moral advancement of the country. Under the present circumstances your ministry is not stable for three months. That is due to clannishness and intrigue.

189. Once more we go back to the main question. How are you going to ensure that men of ability should obtain positions of responsibility if the doors are bolted and barred and there stands in front the Executive Government helping them?—I am not going to put back the hands of the clock for ages to come, but as things are at the present moment I do not see any chance as long as you have no electorate that understands the political value of the vote and as long as you have representatives that themselves do not understand the value of the political vote.

190. How shall we educate them?—By enlarging the electorate and giving them a chance to vote on a larger scale so that they will be used to the ballot box.

191. What is the value of a vote if they cannot influence the decisions of the Government?—They have stultified themselves in the last ministerial crisis.

192. You want to make your province politically conscious?—Yes.

193. Therefore you want to give the people votes?—Yes.

194. And votes are valueless without being backed by power?—Yes.

195. Therefore you want to give your people power?—Yes.

196. And that power you think will be conducive to the advancement of your community?—Yes.

197. That means you must have autonomy?—Yes.

198. Therefore you are in favour of autonomy?—I want to give my people, the representatives in the council, only advisory powers for the next ten years.

199. But that is not the value of a vote. People will say that you are converting your Legislative Councils into debating societies. Before 1919, was there not a clamour raised all over the country like

that?—The Legislative Council for some time past has been a bear garden.

200. I am not at all clear that the line you have indicated will help you in the least. On the other hand, instead of helping you, it will aggravate the situation and make it worse. If you are to scrap the Reforms and go back to the pure executive form of Government, it would not in the slightest degree help you, because the reserved half of Government does not help you at all. Therefore, if the whole of the Government is reserved, it will never help you at all. You are not going to influence that Government unless you appoint a non-Brahmin Governor?—I do not agree with the proposition that the four members of the executive council by themselves really constitute the whole influencing element in the place. Until the electorate and the councils develop sufficient sense of responsibility to enable them to have a dominating voice, we have got to see exactly what the present condition is, and that condition is one of ruthless exploitation on the part of the most powerfully organised class, and so by extending the franchise I think the people will have an opportunity of learning the value of the vote within the next ten years, for which period the constitution proposed by me will run on. I think ten years is quite enough time to understand the value of the vote.

201. They are learning the value of the vote now by quarrelling among themselves, but you do not give them a chance to quarrel during the next ten years. That is how they learn, and that is a plain fact; they only learn the value of the vote by quarrelling and they in time will understand that it is a futile game to go on quarrelling?—It is no use simply quarrelling the whole time to learn nothing.

202. *Sardar Shrivdev Singh Uberoi*: In clause 3 (1) you say: "A minimum number of appointments in all branches of public service to be held by Europeans" should be fixed so as to ensure a sufficiently strong "British element in the services." But then you have got the recommendations of the Lee Commission that 50 per cent. should be Europeans and 50 per cent. Indians. Do you stick to that proposal, or do you differ from that?—That was not what I had in my mind. 50 per cent. is not the thing that matters to me.

203. Then how much minimum should be reserved for Europeans in the Public Services?—It may not be from the point of view of the convenience of Englishmen, but it will be from the point of view of affording protection for the backward classes who are suffering from tyranny now. If there is a particular place where the Mahratta power is strongly concentrated, then I should ask for all Europeans in that district.

204. Has your Association made any proposal regarding the minimum that should be reserved for Europeans?—I have not worked it out. I have only indicated the circumstances under which that change ought to come in. At the same time I have not calculated the details. I know that certain districts in the province do require that practically all the heads of departments should be Europeans, while there are some others where they can get on without any Europeans.

205. *Lord Srahacona*: How many districts do you think there are in which all the heads of department are Europeans?—It is a matter of figures; I cannot say.

206. *Mr. Hartshorn*: I do not understand how you propose to achieve a proportionate representation. You were saying that there should be no popular Government until you have proportionate representation, but I do not understand how you are going to accomplish that?—For instance, take the Brahmins. I divide up the population into different communities, not so much because the Brahmins want separate representation, but we want to be relieved of the nuisance. Take their case, and if they are to have two representatives in the Legis-

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lative Council, we will have to divide the province into two areas and let them compete in their respective areas.

207. But do you suggest a reservation of seats for each of the communities in proportion to their population?—As a matter of fact I might explain to you my proposals. Though they look like reservation, I do not want any reservation as such.

208. Then how do you propose to get your proportionate representation?—With a sort of fixation of the number. I do not want reservation in excess of the population basis. I do not want any arbitrary fixation or reservation of seats. It has got to be proportionate to the population. For instance taking the first group, the Brahmins, to be five per cent. in a certain province, I will give them five per cent seats in the Legislative Council, but how those five seats should be divided in the above area is a matter of detail. In the case of the Muhammadans for instance, it has been solved; we know exactly how they work it.

209. Supposing you have adult suffrage in the province, what do you think will be the result? I think at present the total voting strength of the province is about 170,000. If you have got adult suffrage, you will have something in the neighbourhood of 3,000,000. You say that if you have a qualification based on Rs120 income, that will give you practically male adult suffrage, and assuming that you had that, and there is no practical difficulty of handling so large a number of voters, you think you can build up an organisation for any com-

munities—say, for example, for the depressed classes and the backward classes—that they would vote only for candidates drawn from their own communities in the general constituencies?—They will come in if you will exclude Brahmins from that group.

210. I am assuming now that everybody is entitled to stand as a candidate and all male adults in the population will be entitled to vote. You think that in these circumstances, and under the present condition of affairs when the Brahmins have the educational advantage and possess the organs of publicity and influence which they can bring to bear on the electorate, you could capture a fairly good representation for the Depressed Classes?—Yes, a fairly good representation for the Depressed Classes and a fairly genuine representation of the large mass of agriculturists and all, provided you save us from this Brahmin group.

211. You will have to save yourself from them?—For instance, if there are two candidates standing in a constituency having 500 Brahmin votes, those 500 votes are thrown solid in favour of a candidate who is acceptable to the Brahmin and against the candidate who is not acceptable to the Brahmin. He plays havoc in the constituency with his solid vote.

212. That is at present the case where the vote is restricted, but if it were made more universal, what then?—But why not relieve us from all these quarrels? There will be obstruction of various kinds. \* \* \*

## Memorandum submitted by the Indian Civil Service Central Association.

The Indian Civil Service Central Association is the General Council of the Indian Civil Service Associations of the different provinces. Any provincial Association is at liberty to submit its own Memorandum to the Commission.

2. The Association considers it unnecessary to emphasise the fact that the future constitution of India and the maintenance of efficient administrative machinery are two questions which cannot be considered independently, but have an intimate bearing on each other. At the same time it recognises that the character of the administrative machinery which is, or can be made, available, is only one of many factors having a close bearing on the nature of the future constitution. The Association, while realising the possibility of the introduction of changes of such a character as to alter radically the position of the Services, considers that it would accord best with its responsibilities to confine itself to drawing attention briefly to certain points affecting the members of the Indian Civil Service which have already demanded some consideration under the existing constitution and which would probably assume much greater importance in the event of substantial alterations being made. In particular, a transfer of any large measure of authority from Parliament to Indian hands would bring into prominence certain questions of vital importance to the Service. The Association does not propose to volunteer any views as to the desirability of such a transfer nor does it suggest that any large section of Indian politicians is animated by a conscious desire to do injury to members of the Services. It acknowledges that, even among those who are most keenly opposed to the existing form of administration, there are many who are anxious to do no injustice to those whose presence they believed to be superfluous. But the All-India Services, owing to their largely European character and the extent to which they have been responsible for Government in the past, are necessarily associated with an order of things with which many of the politically minded Indians are not, and are not likely in the future to remain, satisfied, and it is likely that their opposition to this order should influence strongly their attitude to the Services generally. The Association invites an impartial study of the questions, resolutions and references relating to subjects affecting the Services, and particularly European members of the Services, in the Legislatures. It believes that such a study will go far to explain the unwillingness of many members of the Services to accept a position in which they would be more responsible to these Legislatures than they are at present, unless they are assured of an adequate measure of protection.

3. The main direction in which protection can be, and has been given hitherto, is in the matter of retiring rights. At present members of the Indian Civil Service of over 8 years service, who have not qualified for full pension, have the right to retire on terms which, if they frequently involve substantial financial loss, allow an officer who finds the conditions of his service unacceptable to terminate his employment and retire on a proportionate pension. The option so to retire had originally to be exercised before the 31st March, 1924, but the period was subsequently extended to the date on which orders are passed on the report of the present Statutory Commission. But for this extension a considerable number of officers who are still in the service would have retired in 1924.

It was represented to the Royal Commission on the Superior Civil Services in India that the right of retiring on proportionate pension should be extended indefinitely, and the Royal Commission recommended that, in the case of all future British recruits to the All-India Services, they should have the option of retiring on proportionate pension if and when the field of service for which they have been recruited is transferred, such option to remain open for one year from the date of transfer.

The Association regards it as undoubtedly in the interests of the public as well as of the Services that the right to retire on proportionate pension should be granted, or continued, to all members of the Indian Civil Service at the date on which orders are passed on the recommendation of the Commission and that this right should be continued at any rate until any further revision of the constitution. If officers are assured of the right to retire on proportionate pension in the event of the conditions of their service becoming unacceptable to them it will retain in the Service a number of valuable officers who might otherwise retire, may prevent serious deterioration in recruitment and will at the same time enable those officers to go whose service is a burden to them and who are, therefore, probably unsuited to the new conditions.

4. It is possible that the recommendations of the Commission may involve the abolition of, or the appointment of other persons to, posts that have ordinarily been held by members of the Indian Civil Service. In such event the Association would request that any recommendation having this effect should be coupled with a further recommendation that adequate compensation should be given to members of the Indian Civil Service whose prospects may be prejudicially affected by the change.

In their report on Clause 36 of the Government of India Bill of 1919, the Joint Committee observe that "The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited." The proviso to Section 96-B (2) of the Government of India Act recites that "Every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." It would appear that in their legal interpretation the words "existing or accruing rights" do not include the right of appointment to selection posts outside the time-scale. It is submitted that such an interpretation has the effect of stultifying this proviso and the Association cannot believe that such interpretation is in accordance with the intention of Parliament. It was represented to the Royal Commission on the Superior Services in India that, whatever may be the legal interpretation of these words, the intention of the proviso was to secure to the officers concerned their prospects of promotion to all higher posts existing at the time the Act was passed or, alternatively, to secure for them compensation for the loss of such prospects through the abolition of these appointments. The Royal Commission, in Paragraph 82 of their report, found themselves unable to lay down any general ruling on the subject, but recommended that the Secretary of State should refer such claims for compensation as they arise for consideration and report by the Public Service Commission. It is requested that on this occasion the rights of members of the Indian Civil Service in such a contingency should be clearly defined.

5. The only other matter to which the Association desires to direct the Commission's attention is the question of the security of pensions. With regard to the security of pensions generally, it is observed in the Report of the Royal Commission on the Superior Civil Services in India, dated the 27th March, 1924, that "We have found widespread anxiety with regard to the future security of pensions. We do not share this apprehension under existing circumstances, and we assume that if any statutory change is made hereafter, involving a transfer of the financial control in this regard now exercised by the Secretary of State in Council, adequate provision would at the same time be made for safeguarding Service pensions."

6. With regard to the pensions to the widows and



## INDIAN CIVIL SERVICE (RETIRED) ASSOCIATION.

children of deceased members of the Service secured by the Indian Civil Service Family Pension Rules, considerable apprehension has been felt by many members of the Service since the introduction of the Reforms that the security of such pensions may be endangered by the advance of responsible Government in India and the resulting relaxation of the control exercised by the Secretary of State. Excluding the portion of the Family Pension Fund for Asiatic members only, the accounts of which are separately kept, the balance at credit of the Fund as on the 31st March, 1926 (the latest figures available) was £3,003,582-17-2. This sum is entirely represented by compulsory contributions by members of the Indian Civil Service past and present.

Under the regulations at present in force no insurance fund is established. The contributions are credited and the pensions charged directly to Indian Revenues as civil receipts and charges; but, in order to adjust the rate of contribution from time to time to what is necessary to supply the pensions provided by the regulations, a separate pro-forma account is kept of all contributions levied,

of all payments made and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

The Government of India (Civil Service) Act, 1925, by exempting the provision for such pensions from submission to the Indian Legislatures, allayed immediate fears and it was decided to take no further action in the matter until the next revision of the constitution. The Association desires to press upon the Commission the necessity of safeguarding the Indian Civil Service Family Pension Fund from all possible interference.

7. Similar apprehensions have also been felt by members of the Indian Civil Service with regard to the security of their own pensions. Provision for these pensions has also been exempted from submission to the Indian Legislatures by the Government of India (Civil Service) Act, 1925, but the Association requests that the security of pensions earned by members of the Indian Civil Service should also be adequately provided for in recommending any advance in responsible Government for India.

### Memorandum submitted by the Indian Civil Service (Retired) Association.

I am desired by the Indian Civil Service (Retired) Association to submit the following representation for the consideration of the Statutory Commission on Indian Constitutional Reforms.

This Association, which has a membership of 262 retired Indian Civil Servants, has no wish to traverse the whole ground of political reform in India, or to attempt to devise any constitutional scheme, unless its aid is invited by the Commission. In some quarters it may be said that an Association of retired officers should confine its representation solely to the question of the security of pensions, on the narrow view that this is the only matter with which its members as *functi officio* should concern themselves. But its members represent an accumulation of Indian experience and knowledge gained in all Provinces in India as well as in Indian States and in all spheres of public administration, and the Association would consider itself as having failed in its duty at a very critical period in the relations between Great Britain and India if it did not travel beyond purely personal interests.

2. The Association recognises that even if no announcement had been made in Parliament in 1917, and if no Government of India Act had been passed in 1919, it would still have been necessary to provide for the increasing association of Indians in every branch of the administration, and to gratify—as far as is compatible with the welfare of the vast masses of the population—the aspirations for an enlarged share in the government of the country which have been awakened among the educated classes in the several Provinces by the liberal policy consistently pursued by His Majesty's Government and the Government of India during a century of British rule. This policy has taken shape in the extension of the advantages of education to Indians, without distinction of class, creed, or caste, in the steady development of the resources of the country by British brains and British capital, in the establishment of various public services, such as railways, posts and telegraphs, veterinary, irrigation, agricultural, forests, co-operative societies, etc., which had no counterpart under indigenous rule, and, before and above all, in the introduction to hundreds of millions, of the benefits of ordered government and of impartial and humane administration to which the people at large, during the centuries which preceded British rule, had, with occasional intervals, been complete

strangers. This policy was, and could only have been put into effect by the sympathetic co-operation and unremitting labours of successive generations of public servants from Great Britain, who instilled into their Indian subordinates, afterwards to become their colleagues, those high standards of duty which they brought with them from the West. As time passed, and as educated Indians have been trained up in these ideals of public service, it has rightly been determined to admit into the higher branches of the Services an increasing Indian personnel, and this Association recognises, not without pride, the manner in which many Indians in the Services have assimilated those high traditions of the Indian Civil Service and the other British Services, traditions which are recognised throughout the Empire and beyond it. But the Association also knows from long experience of Indian sentiment and practice that the maintenance of these high standards depends, and must for long depend, upon the continuance in these Services, in substantial numbers, of this impartial British element. The standard of public service in any country is dependent upon the influence and character of public opinion, and the character of the British Services in India has been based on the standards of British public opinion. These standards they have imported with them and imparted to their Indian colleagues and subordinates. But, with the steady elimination of the British element, the influence of British public opinion will grow ever more faint, until the British public wash their hands of the whole matter, while there is no Indian public opinion of like character to take its place. Amidst racial rivalries, conflicts of creed and caste, and the struggle of hostile sections for power and place, the British members of the great Services have occupied a position of detachment which has enabled them not only to act impartially, but to create a belief in their impartiality, and it is from popular confidence in their integrity—apart from any question of efficiency—that the British members of the Indian Services have found their main support and encouragement, in spite of all the calumnies and vilification with which a hostile Press and an ambitious Intelligentsia have continuously assailed them for so many years past. In this belief in their impartiality the British members have an advantage over their Indian colleagues, for such public opinion as exists in India has not yet learnt

to rise above class considerations. The Indian Public Servant, however impartial he may wish to be, is often liable to suspicion, since he himself must belong to one or other of the classes whose interests may be in conflict. If he decides, however justly, in support of his own class, he is at once open to the charge of favouritism by all the rest, while, if his decision is against them, he is accused of being a renegade and of having been bought by his opponents. Until there springs up a genuine Indian public opinion able to think otherwise than in terms of race, caste, or creed, Indian Public Servants will suffer under this severe handicap. The example and support of the British members of the Services has hitherto helped the Indian members to maintain British traditions in the teeth of class pressure. Without that support there is bound to be a falling off in the standards of efficiency and integrity. The Association is in constant touch with the working members of their old Services and with many Indian correspondents, and from the information thus obtained, as well as from the published Governmental reports, they can assert with confidence that since the advent of reforms (dyarchy) in the Provinces those standards have already seriously declined. If this deterioration should continue, it will inevitably affect the power of the British Parliament to discharge its responsibility to the people of India; it will also have a most damaging effect on British prestige, a term not used in any Imperialistic sense, but as best interpreting the respect felt for the British Raj as a mighty and beneficent authority which has both the will to do justice and the power to enforce it. This form of prestige may be made the subject of scornful reference by men who owe their wealth, education, and status to the opportunities which British rule alone has made available to them, but it is well known to those who have spent their lives in India, that the term, rightly interpreted, explains the whole secret of the wonderful hold of the British Raj upon the minds of the diverse multitudes numbered in the Indian population. It is a precious asset of the British nation not lightly to be thrown away.

3. If British responsibility for the welfare of the Indian masses is to be fulfilled, it follows that, whatever changes in political machinery the Statutory Commission may recommend to Parliament, it is absolutely essential that the British proportion in those Services which are charged with the work of administration should be of a quantity and quality sufficient to leaven the whole mass, and insure as far as possible honest and clean administration. This British contribution will not be forthcoming unless the security offered to these Services is such as to attract to an Indian career the best men that Great Britain can supply. Some members of the Association have taken their share in the recruiting campaign of a few years back to restore the popularity of service in India; some have sent sons to the Services, and though many have had their confidence so shaken by post-reforms' experience that they have not seen their way to do either, still all are at one on the necessity of conserving this British character in the Public Services in India, if that country is to be saved from falling back into the tainted Oriental atmosphere of privilege, intrigue, nepotism, and corruption from which she was lifted by many years of honest administration. There are many high-minded Indians who know this, and would sincerely deplore any such backsliding, but unaided they will be quite helpless to overcome the atmosphere into which they would find themselves sinking back. The British public may easily be deceived into accepting at their face value the easy assurances by Indian politicians of their confidence in the continued efficiency of the Services when the last British member of them has departed. But those who have a lifelong experience of the currents of Indian thought know well how futile these protestations will speedily be proved to be. They know how numerous are the weaker vessels who will inevitably fall to the temp-

tations which will surround them. The evil consequences of the elimination of a British element from the Services are not to be measured merely by the diminution or cessation of careers in India for British youth. This might be a matter for some British concern, but could never be regarded as a valid argument against Indianisation, and it has little weight with our Association. It is in India itself that the consequences would be truly disastrous to the best interests of the people. It would mean a recrudescence of official oppression and caste domination, which even British administration has only been able to keep in check and not to eliminate. It would mean the destruction of the whole fabric of peace and order built up so laboriously by the efforts of many generations of British officers.

The prolonged supineness of the Government of India in face of the various manifestations of the Non-Co-operation Movement has entailed most serious consequences and has given grave warning of the evils attendant upon loss of confidence in the power of Government to check the forces of disorder. The many friends of the British were stupefied into a surprised and sorrowful inaction. Their enemies were triumphant and increasingly truculent. The masses watched and wondered not without some feeling of contempt, what had happened to the "Sarkar" which allowed itself to be vilely calumniated and its orders set at defiance, while the King-Emperor's uncle and the King-Emperor's heir were publicly affronted. When at last the Ali brothers and "Mahatma" Gandhi had been brought to tardy justice and firmer action taken against other prime offenders, the Non-Co-operation shibboleths lost their efficacy, the confidence of the people in the Raj began slowly to revive, although the Government has not fully recovered from the shock inflicted upon its "izzat." Indeed, recent incidents in Bengal, Madras and Bombay show that the spirit of defiance of authority is still strong and that the manifestations of lawlessness encouraged by impunity are becoming more frequent. The steady reduction of the British personnel in the administration is admittedly one of the causes of this growing lawlessness.

4. It was just as the tide was beginning to turn that the Lee Commission made its enquiry, and in 1924 it submitted its report upon the "All-India" and British-recruited Services. The Commission's recommendations for the Indianisation of the Indian Civil Service provided that, after deduction of 20 per cent. of the superior posts to be made available to the Provincial Services, the rest were to be recruited half and half from British and Indian personnel. It was calculated that this 50 per cent. in composition would be reached in 1939 in respect of the Indian Civil Service, and some ten years later in the case of the Indian Police. The actual strengths of these two Services in 1924 was 2,029 of whom, perhaps, 1,800 are British. That number will in time be reduced to 1,000 or less—650 British members of the I.C.S. and 350 of the Police, for a population of 320,000,000. In the opinion of this Association, and of many other competent authorities, these proposals touched the extreme limit of safety, and, although the Indian proportion has not yet been nearly reached, the Association believes that in every Province serious difficulty has already been felt in finding a sufficiency of European officers to meet the requirements that have arisen in the recent critical years. The effect of the Reforms has been to bring home to all classes who are in a minority, either in numbers or in educational advancement, the dangers to which they would be subjected by any further relaxation of British control. This anxiety has had its manifestations in the communal bitterness, culminating in bloodthirsty riots throughout the land, which have disturbed the peace of India and made it clearer than ever before how essential it is to the peaceful progress of that Sub-Continent that the British Government should remain in a position to fulfil its responsibilities. The Association does not

suggest that, until a fair trial has been given, the proportion of posts available to Indians in these Security Services under the programme proposed by the Lee Commission should be curtailed, but it urges emphatically that no further reduction in the British share of these responsible posts should be promised or even projected. Communal antagonism has grown greater and not less during the short period that has elapsed since that programme was accepted by the Government of India, and if any further Indianisation were now to be undertaken, the recently restored confidence of these Services and the re-awakened desire of young Englishmen to enter them would be once more rudely shaken, if not completely shattered. This Association is of opinion that while each class or nation naturally desires a greater share in the loaves and fishes for itself, in so far as it cannot secure that share it infinitely prefers that it should be held by British rather than any other Indian officials. In this sense there is no demand at all for Indianisation among the people at large.

Indian nationalism is an aspiration of the intellectuals and not a reality. It is on the lips of certain politicians as a convenient euphemism for Anglophobia, but it does not exist in the hearts of the masses, who consider as foreigners all those who do not belong to their own locality. The Mahratta, the Madras, the Bengali, the men of Hindustan, Rajputana and the Punjab are, to the people outside their respective Provinces, just foreign races or clans. The British are only one more foreign clan, but, as they happen to be impartial and aloof from all the inter-communal intrigues and conflicts, their administration is preferred to that of the others. The correctness of this view is patent to all who have served in the country. It is seldom realised by persons whose contact with Indians is limited to those few classes who have learned the phrases and catchwords of Western democratic speech without any corresponding absorption of the spirit that inspired them.

5. In addition to their programme for Indianisation of the two Security Services, the I.C.S. and Police, the Lee Commission advised the Provincialisation of all other Services which were functioning in the "transferred" field. It was logically compelled to this course because it had no authority to criticise the effects of dyarchy or to make any suggestions which appeared to run counter to that scheme. But the Indian Civil Service, as the premier Service, has always regarded the members of these great Departmental Services as colleagues and co-operators in the great and growing field of Indian administration; and this Association regards the rapid disappearance of British personnel from such Services as Public Works, Education, Forests, Agriculture, Veterinary, Co-operative Societies, Medical and Public Health as a measure which, however theoretically consistent with political schemes and dreams, is in practice disastrous to the best interest of the Indian peoples. Nearly all of these beneficent Services are the creation of British rule; in most of them not a single British official has, it is believed, been recruited since 1924. It is impossible that in these conditions the progress and development so essential to the prosperity of India can be maintained. In effect the interests of hundreds of millions of people are being subordinated to the ambitions of a few thousands. If India were reverting to Oriental education and Oriental methods, the disappearance of the British element would be natural and necessary, but when the one hope of Indian reformers is founded on development on Western lines, it is simply suicidal to cut off the supply of men born and bred in Western methods. The actual strength of all these Services in 1924 (paragraph 6, Lee Report) was only 1,940, of whom, perhaps 1,600 were British. The British element in these Services may be materially reduced without endangering the actual peace of the country, but it cannot be eliminated without seriously imperilling its progress. Indian Ministers who privately confess

the necessity of obtaining British recruits in these Services have been unable publicly to act on their own belief, through fear of the abuse and ridicule which such action would entail upon them from the Swarajist members of the Legislative Councils and the Press which these control. Few Englishmen of the calibre required for Indian Services will be tempted to embark on a permanent career which offers such doubtful attractions as service on the "transferred" side of a Provincial Government.

I.M.S.—In the opinion of this Association the I.M.S. (Civil) should be definitely included among the Security Services. This is, indeed, the practical effect of the Secretary of State's recent orders as to the composition of the Service and the posts assigned to them, but the Association learns from officers on leave that the British members of the I.M.S. have been further diminished during the interval of uncertainty that has elapsed between the Lee Commission's Report and the recent orders of the Secretary of State. Hardly any new British recruits have yet found their way to the Civil side, and the Medical charge of districts has, to an increasing extent passed to an Indian personnel. The effect of this is most disquieting to the confidence of British officers serving with their families in India, and unless the position is speedily restored, which is only possible by a definite declaration that the I.M.S. is to be reckoned as a Security Service (Mr. Montagu, we understand, regarded it as a "pivotal" Service), recruitment for the Security Services themselves will be seriously prejudiced.

Other Services.—In the other Services mentioned it is obvious, from the recent Report of the Royal Commission on Agriculture, that the Commission regard recruitment of British experts as essential to the success of the programme that they have drawn up. They may be reticent in their expressions, being, like the Lee Commission, restricted by the existing Constitution, which has made Agriculture a "transferred" subject, but their intentions are perfectly clear.

In the Public Works Department, for the irrigation developments so essential in India to-day, and also for all the Public Works of the country, a substantial proportion of British Engineers is required for the initiation of new projects, as well as for efficiency of administration and the prevention of waste. The Forests do not attract the best Indians, who dislike the hardships and isolation of the forest life. In Education, where all the higher knowledge is being imparted in English, the prevalent movement among Ministers to ban British Professors, Teachers, and Inspectors is manifestly ill-advised. "All-India" Services are required if India is to be developed and governed as a whole, and though this Association fully recognises that British personnel may be reduced in the non-Security Services, yet it is essential to efficient administration that the British proportion in these Services should continue in the future, as in the past, to enjoy the security conferred upon them by their membership of an "All-India" Service and their control by the Secretary of State. British youths will seek public service abroad if they are to serve under the final authority of a British Parliament or the Parliament of a British Dominion, but they will not be willing to subject themselves to the caprices or hostility of a Provincial Legislative Council or the Indian Legislative Assembly. We believe that this difficulty has already made itself felt in the few cases where British recruitment has been attempted, and we also understand that many British officials in the transferred departments are only awaiting the action to be taken on the report of the Commission to decide whether to retire on proportionate pension or not.

6. This Association is fully conversant with the argument that loss of efficiency is a small matter beside the "satisfaction of popular desires." This argument as applied to the Indian situation is little better than claptrap. The efficiency on which this Association lays stress, and which in the past the

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Government of India endeavoured to secure, is not a "Prussian" efficiency, which never existed and was never attempted by the Indian Civil Service or any other Service in India. It is simply clean and honest administration—namely, to make the best use of the resources available and to apply them honestly for the good of the country; and the so-called "popular desires" to be satisfied are not popular desires at all, but the ambitions of a few special castes, who, having in the past had a monopoly of education and civil offices are anxious to secure as many lucrative posts as possible for their own kith and kin. The Association does not argue that these ambitions are not intelligible, or even not legitimate from the point of view of the classes concerned, but only that they should be clearly recognised for what they are, and not accepted as the "demand of the Indian nation," as the classes concerned would wish the British public to think.

7. During the period of maximum unrest among the Services (1921 to 1924), great anxiety was felt, both among officers serving and those on the retired list, lest continued advances towards self-government in India should place the security of Service and Family Pensions in jeopardy, since the funds from which these are payable, though they may have a separate existence on paper as *pro forma* accounts, have no existence in fact, the payments being made from the Indian revenues as an ordinary annual charge upon them. The existence of this apprehension was mentioned in paragraph 83 of the Lee Commission's Report. It was felt that under the Government of India Act, 1919, the liability of Indian finances for obligations of this nature were sufficiently safeguarded. The Royal Commission wrote: "We assume that if any statutory change is made hereafter involving the transfer of the financial control in this regard now exercised by the Secretary of State in Council, adequate provision would at the same time be made for safeguarding Service Pensions." This Association feels little doubt that under existing conditions the Secretary of State would always charge himself with this duty, but, with the prospect of further constitutional changes in India, involving the reduction of the Secretary of State's powers of control, it would seem necessary that the Statutory Commission should lay special emphasis on the continued security of Service and Family Pensions. It is realised that no Parliament can bind its successors without limit of time, but it would not be sufficient merely to affirm the liability of Indian revenues to meet these charges unless means were continued enabling the liability to be enforced. If in subsequent political arrangements the control of the Secretary of State over Indian finances were to be relaxed, the enactment passed should require as a condition precedent to such relaxation a form of security for the fulfilment of these obligations which would be protected not merely from the contingency of deliberate repudiation but from the vicissitudes of a possibly inefficient Indian finance. The Services may be forgiven for feeling apprehensions on the subject, for the various Indian Legislatures, so far from showing any generous

feeling towards British Public Servants, who have laboured hard for the good of the country (and without whose labours the members of these very Councils would not be occupying the position of comfortable security which they now enjoy), miss no opportunity of cutting down their allowances, of attempting to abolish the higher appointments, and generally of belittling their value to the country. Not a single one of the concessions given on the recommendation of the Lee Commission would have been granted by these Legislative bodies. The Services, so far from expecting generosity at their hands, cannot even confidently reckon upon justice, and this not because Indians are individually ungenerous people, but because in their public capacity these bodies consider it as "unpatriotic" and "inconsistent with their national self-respect" to encourage British recruiting, or to confess its indispensability to the safety of the country.

8. To sum up these representations, this Association has some doubts whether democracy in the accepted sense, either now or in any near future, can ever take root in a country so constituted as India and among peoples whose traditions are so completely incompatible with democratic ideas. The only hope of success towards a form of self-government suited to Indian conditions lies in the continued support of British guidance, control, and protection. It therefore submits:—

- (i) That the scheme of Indianisation at present adopted for the two Security Services—the I.C.S. and the Police—already provides for the utmost reduction in the British contribution to these Services compatible with the continued peace, safety, and progress of India.
- (ii) That the Indian Medical Service should be definitely included as one of the Security Services.
- (iii) That the British proportion in the recently Provincialised Services should be a substantial one and should now and in the future continue to enjoy an "All-India" status in order to make certain that such reduced British element as is recruited should be of the strength and the standard required in the interests of the peoples of India.
- (iv) That in the matter of Service and Family Pensions the present statutory control of the Secretary of State should not be relaxed without such security being previously furnished as would insure that the liability of the Indian Treasury on this behalf would be met independently of the vicissitudes of the Government of India howsoever it may be constituted in future.

In submitting this representation the Association request that an opportunity may be given at a convenient time to the representatives of the Association who have drawn it up to give oral evidence in support of what has been urged.

### Memorandum submitted by the Anglo-Indian Association, London.

THE CASE OF THE DOMICILED COMMUNITY OF INDIA  
AS PRESENTED BY THE ANGLO-INDIAN ASSOCIATION,  
LONDON, TO THE INDIAN STATUTORY COMMISSION.

A MESSAGE FROM H.R.H. THE PRINCE OF WALES  
TO THE DOMICILED COMMUNITY.  
GIVEN AT DELHI, 23RD FEBRUARY, 1922.

"You may be confident that Great Britain and the Empire will not forget your Community, who are so

united in their devotion to the King-Emperor, and who gave such unmistakable token of attachment to the Empire by their great sacrifice in the War."

#### SUMMARY.

A. *Status*.—We accept the official pronouncement of the Under-Secretary of State for India, made in the House of Commons on the 21st December, 1925, as quoted in para. 20. We invite special

attention to para. 346 of the Report on Indian Constitutional Reforms, as quoted in para. 22, with respect to the "peculiar situation" of the Anglo-Indian Community, and in particular to the concluding sentence, "THE GOVERNMENT MUST ACKNOWLEDGE, AND MUST BE GIVEN EFFECTIVE POWERS TO DISCHARGE, THE OBLIGATION TO SEE THAT THEIR INTERESTS ARE NOT PREJUDICIALLY AFFECTED." If this injunction appeared necessary to the framers of the 1919 Constitution, it is much more essential now, if any further advance in responsible government is contemplated.

B. *Employment in Government Service*, especially railways, telegraphs and Indian Medical Department (paragraphs 24-33). We consider there is ample evidence in the experience of the last eight years that the community require to be protected from disturbance, and safeguarded against loss of employment by reason of political pressure on the part of larger communities holding a preponderating vote in the Councils. While the community do not claim any special treatment which they have not hitherto enjoyed, they do claim that their fidelity, reliability and aptitude as Government servants, throughout the period of their existence, and their almost hereditary tenure of certain classes of posts, merit special recognition and special safeguards (*vide* paragraphs 29-33).

(c) *Education*.—(Paragraphs 34-42). Anglo-Indian schools being at the mercy of Provincial Legislatures in the matter of grants-in-aid, and being moreover scattered over the whole of India, we press for the centralization of Anglo-Indian education, with a view to ensuring greater efficiency, especially in the matter of the provision of training colleges, and the safeguarding and adjustment of grants.

(d) *Representation and Protection*.—(Paragraphs 51-55). Like other minority communities, we ask for communal representation as the only means by which our community can be represented adequately in the Councils. Even so, such communities are likely to be in a minority in the division lobbies, and we ask for the right of appeal by these minority communities to the Governor of the Province and/or the Viceroy, who should be given statutory powers of veto to prevent the introduction of bills, or the enactment of laws, which, in their opinion, are oppressive to any minority community.

(e) *Subsidiary Recommendations*.—

- (i) The registration of Anglo-Indians with a view to the exclusion of all who are not *bona fide* members of that community (*vide* paragraphs 18 and 54).
- (ii) The establishment of impartial Selection Boards to recruit for the various Services (paragraph 31).
- (iii) The recognition of the right of all Government servants to appeal direct to the Public Services Commission and ultimately to the Viceroy and Secretary of State, in the event of failure to obtain redress from their local Government (paragraphs 32 and 48).
- (iv.) The placing of Anglo-Indian schools under a special Inspector General, and the definition of educational inspection circles (paragraph 41).
- (v.) An enquiry into the effect which the Reforms have had on European education in India (paragraph 39).

#### INTRODUCTION.

The Anglo-Indian and Domiciled European Community is one of the Minority Communities of India, and they urge that they have special claims to consideration on the ground that they are not only permanently domiciled in India, but are connected with Britain by blood, religion, language, habits, and customs, and have similar standards of living and education.

2. The Anglo-Indians number, according to the last Census Report (1921), 113,012; but, as that Report states, "the actual figures of Europeans and those of the Anglo-Indian Domiciled Community are always somewhat doubtful, owing to the tendency of the latter to return themselves as Europeans, and of the Native Christians to claim to be Anglo-Indians." After allowing for these discrepancies it is computed that the Anglo-Indian population is not less than 140,000. The Domiciled Europeans, the people of pure British blood who have settled permanently in India and thus acquired an Indian domicile, number 20,000 out of a total population of 174,057 of European derivation. Their interests are for the most part identical with those of the Anglo-Indians, with whom they freely inter-marry, and together they form one political and social unit. Thus the total number of the Domiciled Community, as these two classes are collectively known, was 169,000 in 1921, and cannot to-day (1928) be far short of 175,000.

3. Although they form a very small minority of the population of India, they nevertheless hold a more important position in the body politic of India than their numerical proportion would appear to indicate: for an overwhelming proportion of the indigenous population are, from a political standpoint, indeed "dumb millions." The Census Report of 1921 states that "like other distinct sections in India the Domiciled Community have greatly improved their communal organisations of recent years and are now represented on the Indian Legislative Councils."

4. In 1923, an Anglo-Indian Association was established in London for the purpose of promoting the interests and welfare of the Anglo-Indian and Domiciled European Community. It is affiliated to the Provincial Associations and Federations of India. Its members fall within two categories: Ordinary Members and Honorary Members. Ordinary Members are members of the community who have permanently settled in this country, but have their kith and kin in India, or members of the community who have come on leave or for purposes of study to England, and overseas members who reside in India. Honorary Members comprise persons who have held high office in India, Members of Parliament and persons both in this country and in India who evince a personal interest in the welfare of the Community, or who have rendered conspicuous service to it. The London Association, the membership of which is approximately 140, is officially recognised by the India Office, and its formation was publicly welcomed by the Under-Secretary of State for India\*. Though numerically not a large body, it is mainly composed of retired officials, who, having served in almost every branch of the Services under the Government of India, and coming as they do from practically every province of India, are in a position to view communal problems from the widest and most liberal standpoints.

#### HISTORICAL SURVEY.

5. The fact must be emphasised that India differs materially from most of the Colonies, and that the Domiciled Community differs as materially from most of the Colonials. Those Englishmen who went to India were to a large extent of a different social class from those who went to the Colonies. The immigrants to India came as administrators, merchants, traders, writers, adventurers, soldiers, and it is largely from these that the Anglo-Indian Community has sprung. It is true that the Portuguese came to India a hundred years before the English, and introduced mixed marriages as one method of permanently settling in and Christianising India, and that other European nations cultivated trading relations with India, but, with the exception of the Portuguese, they have left no appreciable mark on India, and the comparatively few families

which derive from these stocks are now merged in the Anglo-Indian race, though possibly retaining the surnames of their forefathers.

6. As the Commission has already visited India and has undoubtedly acquired information at first hand as to the origin and early history of the Domi-ciled Community, and as further details are readily available in *Hostages to India*\* (H. A. Stark), it does not seem necessary to do more than refer briefly to such matters as have materially and lastingly affected the well-being of the Community. The six sub-paragraphs below deal with such of these as originated prior to 1858.

(a) The East India Company by specifically encouraging and subsidising the marriages of their European employees with Indian women (*vide* letter from Court of Directors to President of Madras—Appendix I.), were directly responsible for bringing the Anglo-Indian Community into existence.

(b) In the early days of the existence of the Community, when its members could be justifiably term "half-castes," no slur attached to them on the ground of their colour or mixed parentage. Those of them whose parents were well-to-do were educated in England and returned to India in the Company's service in positions equivalent to those which had been held by their fathers. They filled every class of post, civil and military, and were not treated in any respect as being other than Europeans.

(c) But while the more well-to-do were thus able, owing entirely to private enterprise, to fill good positions and be a credit to the East India Company, the Company neglected the indigent section of the Community they had called into being. As early as 1778 the condition of this section was said to be a severe reproach, but proposals which were put forward for ameliorating it were pigeon-holed (Dr. Wilson's letter to Madras Council, dated 12th June 1778—Appendix II.).

(d) The policy of neglecting the indigent section was followed by a more deliberate policy of repressing even the well-to-do sections. On 14th March, 1786†, an order was issued preventing the orphans of the Upper Orphanage School, Calcutta, from proceeding to England to qualify for the Covenanted Services. On 19th April, 1791‡, a Standing Order was passed "that no person the son of a native Indian shall henceforth be appointed by this Court in the employment in the Civil, Military, and Marine Services of the Company." This order was extended to sworn officers of the Company's ships and published in the Calcutta Gazette of 31st May and the 14 June, 1792.

(e) In 1795, the Governor-General in Council passed a Resolution disqualifying from service in the Army, except as bandsmen, all persons not descended from Europeans on both sides. Thus ostracised they joined the services of Indian Chiefs, in whose Armies they were freely enlisted, but when the Second Mahratta War was declared, a Proclamation was issued, summoning them to return to the Company's service under penalty of being treated as traitors, *vide Calcutta Gazette* of 8th September, 1803. The Order was obeyed, some Anglo-Indians such as Vickers and others§ preferring death

rather than fighting against England, but when the War was over, they were again discharged from the British Army, and under their Treaty Engagement, Chiefs were prohibited from employing them without the sanction of the Government.

(f) In 1822, the Supreme Court at Calcutta decided that the majority of East Indians (as they were then styled) were not British subjects, which culminated in a deputation being sent to England in 1830 to represent their grievances. Mr. Ricketts, who presented their petition, was examined by the Select Committee of both Houses of Parliament, and when the Company's Charter was renewed in 1833, some of these grievances were remedied, but recruitment for the higher posts continued to be made from England, while their ineligibility to hold Commissions in the Indian Army was not removed till 1920.

After this lapse of years little would be gained by enquiring into the reasons for these repressive measures. There is no evidence that they were the result of misconduct on the part of the Community, who had served the Company well and loyally. Sir John Malcolm, in his *Political History of India, 1784-1823* (Appendix III.), not only corroborates the above statement, but gives a clear picture of the condition of the Community at the time which continued till the end of the Company's rule in 1858. As remarked by Sir Bertram Standen, in the *Indian Church Aid Magazine* for January, 1928, "the fate of the Anglo-Indian population has, from the first, been determined by the demands of more powerful interests connected with British enterprise in India or by the exigencies of politics. At first their utility to the East India Company insured them sympathetic treatment, and they could count on employment either in the mercantile or military services of the Company. But when it acquired political power, its services became more attractive, and it was found possible to recruit men from England for the higher posts, and the Anglo-Indians had then to content themselves with the lower posts in the Company's service"; or, as Sir William Wynn put it when introducing the Ricketts' Commission to the House of Commons in 1830, "the Governors of India first place these individuals in a state of degradation and then urge that degradation as a reason for continuing it."\*

7. The transfer of India from the Company to the Crown brought to light the negligence of the former in the matter of the education of the community. Lord Canning, in 1865, found it necessary to emphasise the dangers which an uneducated community might cause and the claims which the community had on the British (Appendix IV.), while Lord Lytton, in 1879, stigmatised the situation, under which a large population of European and Eurasian children was growing up without any education at all, as "a scandal to the English name and English Government," and as amply justifying Lord Canning's warning and "constituting a great social and political danger."

8. This led to the question of education being referred to a Committee, and to the Government of India ultimately passing a resolution, dated the 8th October, 1881, setting forth the necessity of adopting special measures for the education of this class, which laboured under many disadvantages, and declaring the policy it proposed to follow in support of European education. The Committee's recommendation of a more searching system of Government inspection and control, and the introduction of grants-in-aid according to results was accepted by the Government, and later, a uniform code, based on the English and Scottish Code, was introduced

\* NOTE.—A copy has already been supplied to each member of the Commission.

† India Office Records, Bengal Dispatches, vol. XIV, p. 548.

‡ India Office Records, Court Minutes, 19th April and 8th November, 1791.

§ *Military Memoirs of Lt-Col. J. Skinner, C.B.*, 1851, vol. 1, p. 303.

\* Hansard's Parliamentary Debates, May 14th, 1830, p. 380.

for all European Schools in India. As a result of these measures European education was placed on a better footing.

9. Of the other inquiries undertaken within recent years, reference may be made to the Pauperism Committee of 1891-92, appointed by the Government of Bengal, to inquire into the indigent condition of Europeans and Eurasians in Calcutta. Apart from urging the desirability of improving the system of education, and the more generous employment of the community in Government service, railways, etc., the Committee recommended:—

- (i.) The formation of an Indo-European Regiment to be recruited from orphanages and other charitable institutions.
- (ii.) The establishment of a training ship.
- (iii.) The better organisation of charity, notably the formation of a Charity Organisation Committee.

The Government of Bengal were prepared to accept the first recommendation, but on conditions which would have made the attempt impossible. The second recommendation was not accepted. As an alternative to the third, the re-organisation of the District Charitable Society was undertaken.

10. Lord Curzon in his address to the Community in Calcutta, on the 23rd March, 1900, said:—

“Every Viceroy from Lord Canning downwards, has gazed at the problem and has been left sympathetic, but puzzled. Some, like Lord Lytton, have tried to do something positive. Others have felt the difficulty of State intervention.”

Lord Curzon, who did much to place the position of the community on a more satisfactory footing, sent a despatch to the Secretary of State for India, in which was proposed the experimental raising of an Anglo-Indian regiment in India, which the Secretary of State, for financial reasons and on grounds of subsidiary difficulties, was unable to accept.

11. In July, 1912, a general conference on the education of the Domiciled Community was held at Simla, presided over by Sir Harcourt Butler, the Education Member of the Governor-General's Council, but though important resolutions were passed, the War followed, and on its conclusion the Reforms scheme was introduced, which, as explained under the head “Disabilities,” has seriously retarded further progress, and threatened the ultimate extinction of European schools unless adequate protection is extended to them.

12. In 1918-19, an exhaustive inquiry was undertaken in Calcutta into the conditions and needs of the Domiciled Community, which differed from that of 1891-92 in two important respects. In the first place, while possessing the sympathy and support of Government, it was non-official in character, and secondly, it included the whole of the community and not merely the indigent section. The report of the Committee contains many valuable and important recommendations, which, if given effect to, would greatly ameliorate the condition of the poorer classes. It appears, however, the aftermath of the war, combined with the Reforms Scheme, has precluded any action being taken at the present time on the Committee's recommendations.

13. Finally, in drawing this historical survey to a close, it is only fitting to refer to the Community's record of loyalty and devotion to duty during the period of the Great War. During the Mahratta War of 1803 and the Mutiny of 1857, the Community rendered whole-hearted assistance to the East India Company, and the year 1914 proved that the spirit of former days existed undiminished. The Anglo-Indians were the first of the many races of India to offer their services, which at first were refused, but in 1916, by a special Army Order (I.A.O. No. 203, dated 3rd April, 1916), they were permitted to be enrolled, and later, when conscription was enforced, they were the only

class to whom it was applied in India.\* The Anglo-Indians were employed in every branch of the fighting forces and on every front, and many distinguished themselves in the field; they officered Indian Regiments and commanded Labour Corps, those who were too old to take the field or who were refused permission owing to the exigencies of the civil administration, joined the Indian Defence Force, while many pensioners returned to work or conducted special war duties.

14. After the war, the officers and men were demobilised, and this resulted in a considerable amount of unemployment; for, while the community were fighting for the Empire, Indianisation had begun. One of the first results of this measure was an increase in the number of Indians holding Government appointments in offices, railways, the post and telegraphs, for though Anglo-Indians were by law included in the term “Indians,” they were not at first deemed to fall within the scope of “Indianisation.” Matters were subsequently adjusted to some extent, but the mischief had been done, and hundreds of Anglo-Indians who fought for their King and country, are, like so many of their former comrades-in-arms in England, reaping the bitter reward of unemployment.

15. The above is a brief statement of the origin of the Anglo-Indian (or, as it was formerly called, the Eurasian) Community, and the disabilities it has had to contend with. At the present time, the description of the community as “half-caste,” is no longer applicable. Marriages with natives of the country ceased more than a century ago, and ever since Anglo-Indians intermarry or marry Europeans. In the case of fair-complexioned Anglo-Indians (and there are many such) there is nothing to distinguish them from pure Europeans; and if the colour prejudice, which unhappily still persists in some quarters, is discounted, it may be said that the Anglo-Indian and Domiciled European Communities are identical in all respects.

16. The main fact which emerges from this history is that the East India Company, by debarring the members of the community from access to superior posts, by stigmatising them as an inferior race, and by neglecting both their social condition and their education, retarded their natural development at an early and critical period of their existence, thereby preventing them from becoming, as in their early days they showed every promise of becoming, the powerful support and mainstay of our Empire in the East. It is claimed that even under the governance of the Crown, they have not had full opportunity to recover their lost ground, and it is mainly on these counts that the community feels it has a strong case for protection in order that it may develop as even the smallest nation has the inherent right to develop.

#### STATUS.

17. The Rules made under the Government of India Act, 1919, contain the following definitions:—

- (a) An Anglo-Indian means any person being a British subject and resident in British India,
  - (i.) Of European descent in the male line who is not a European.
  - or (ii.) Of mixed Asiatic and non-Asiatic descent, whose father, grandfather, or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union

\* When introducing the Indian Defence Force Bill in the Legislative Council on the 21st February, 1917, the Commander-in-Chief spoke of them as follows:—  
“The Volunteer Force in India is now some 40,000 strong, and a large proportion of its members have the makings of excellent soldiers. The potential military value of the Force is thus considerable.”—(*India's Contribution to the Great War, 1923.*)



of South Africa, or the United States of America, and who is not a European ;

- (b) A European means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom, or in any British possession or in any State in India, or whose father was so born or has, or had, up to the date of the birth of the person in question such a domicile.

The term "Domiciled Community," may be defined as meaning persons of pure European and mixed Asiatic and Non-Asiatic descent, who are domiciled in India (provided always the non-Asiatic strain is in the male line).

18. In one respect the definition of "Anglo-Indian" is, it is considered, too elastic. It admits of a class claiming to be Anglo-Indians whose ground for such claim is extremely doubtful. A number of this class are to be found in Calcutta, Madras, and in the Native States of Southern India, where they are known as *Feringis*.\* This term was formerly applied to Europeans, but is now applied specially to the Indian-born Portuguese. In the Census Reports† they have rightly been excluded from the Anglo-Indian population. They must be treated as Indians, unless they can establish their claims to be Anglo-Indians under a system of registration such as we advocate in para. 54 of this Memorandum.

19. Indian Christians, though not possessing any European blood, have frequently claimed to be Anglo-Indians, adopting a European surname and European garb, and possibly, though not necessarily, living in quasi-European style. Obviously, such claims cannot be admitted.

20. This brings us to the question of Status, for the above definition only applies to enfranchisement, under the Government of India Act, 1919, as well as for Census purposes. On the 21st December, 1925, in answer to a question in the House of Commons, as to the official status of the Anglo-Indian Community, the Under Secretary of State for India stated :—

"For purposes of employment under the Government, and inclusion in schemes of Indianisation, members of the Anglo-Indian and Domiciled European Community are statutory natives of India. For purposes of education and internal security, their status in so far as it admits of definition, approximately to that of European British subjects."

Asked further if this dual description was not likely to be a danger to their status in India, and whether he could suggest anything which would safeguard the people for whom the British were responsible in India, Earl Winterton replied :—

"No, I am afraid I cannot. The definition of this community has always been a matter of some difficulty, owing to their position ; but this classification has lasted now for some time, and I certainly cannot admit that under it Anglo-Indians or the Domiciled Community suffer any disabilities."

21. The question of the status of the community formed the subject of representation as far back as 1830, when Mr. Ricketts came to England on deputation, and was examined by the Select Committee of both Houses of Parliament. The Anglo-Indian Association of London are thankful to His Majesty's Government for the official definition of their status as announced by the Under-Secretary of State for India, and are not unmindful of the difficulties mentioned by Lord Winterton. In respect of this matter, however, it is only with regard to their claim

to trial by juries consisting of Europeans or members of their own race that they desire further protection.

#### DISABILITIES AND SAFEGUARDS.

22. The authors of the Indian Constitutional Reforms anticipated that their proposals might affect the Anglo-Indian Community adversely, for they inserted the following safeguard in their Report, in paragraph 346 :—

"Some reference is needed also to the case of the large Anglo-Indian or Eurasian Community which, on historic grounds, has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise a secure position in the economy of India. They have been hitherto to a great extent in political and economic dependence on the Government ; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think the Government must acknowledge, and must be given effective power to discharge, the obligation to see that their interests are not prejudicially affected."

Moreover, under the King's Instrument of Instructions to the Governors of Provinces, which are embodied in the Rules under the Government of India Act, 1919, they are especially required and charged :—

"To take care that due provision shall be made for the advancement and social welfare of those classes amongst the people committed to your charge, who, whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, specially rely on Our protection, and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer or have cause to fear neglect or oppression."

23. But the experience of the working of the Constitutional Reforms has, in the case of the Anglo-Indian Community, clearly demonstrated that the Royal protection enjoined by the King's Instructions has not succeeded in preventing wrong and injury being done to the material interests of the Community and has engendered serious apprehension as to its future welfare. The position, indeed, became so alarming that the community felt itself compelled to send two Deputations to the Secretary of State for India—one in 1923 and the other in 1925—to represent its grievances to the British Government. The Deputations received a sympathetic hearing, and the grievances which were put forward have been under the consideration of the Government of India. Only such of these grievances as come definitely within the scope of the inquiries of the Statutory Commission are touched upon here.

24. *Railways*.—Lord Curzon, in one of his speeches, drew public attention to employment in the traffic, engineering and locomotive departments of the Railways as being an important, if not the most important, direction to which the community were entitled to look, in seeking careers for their children. He pointed out that in those departments there were some 1,150 posts on every thousand miles of line in India, the pay ranging from Rs.30 to Rs.400 a month, or 25,000 posts in all, for which Anglo-Indians or Eurasians were free and qualified to compete, and that they held only a small percentage of the posts.

25. The inferences to be drawn from that speech are two :—first, that thirty years ago Anglo-Indians held numerically only an insignificant position in the railway service. That they held the more responsible position may be conceded, but this was because of their approved fitness ; just as the administrative

\* Pages 16 & 51 of *Hostages to India*.

† *Vide* para. 202 Census Report, 1911.



positions were manned by Englishmen because of their superior education and training. The situation has not changed materially since 1900,\* on the contrary, Indianisation, though greatly accelerated after the Reforms of 1919, was already effective when Lord Curzon's statement was made, and has been steadily growing since.

The second inference to be drawn from the statement, without straining its sense, is that his Lordship wished the Anglo-Indian Community to believe that railway service was specially suited to their aspirations, and that they would be welcomed in it in increasing numbers.

26. Sir George Rainey, speaking before the Assembly in New Delhi, on 25th February last, said in connection with Railways:—

"There is to be a fair field for all, and under the conditions he hoped the Anglo-Indians would be perfectly capable of holding their own. But there were certain things which the Government could not do. There was no question of ousting Anglo-Indians from appointments actually held by them. It was well known that when members of a particular community have held a very large number of appointments in a particular service, the whole economic organisation of that community was wedded to that factor. That point the Government of India could not possibly ignore, and they would not take measures which would involve dislocation of the economic existence of an important community."

From these words, we think, we may derive the assurance that not only is the removal from the service of an Anglo-Indian to make an opening for an Indian prohibited, but that in filling future vacancies, of newly created appointments, the principle of Indianisation must not be worked to the disadvantage of the Anglo-Indian. Our request, therefore, is that the policy enunciated in the foregoing statement may be made so clear to all administrations as to make its infringement impossible in future.

27. It is far from our intention to contest the justice of the ruling that all appointments must be made after due consideration of the merits of the candidates, irrespective of race, religion or colour; but we may be forgiven for pointing out that merit is a wide term, involving not only theoretical ability but general aptitude and personality. Railway service eminently demands a practical bent, and this valuable asset has been inherited by the Anglo-Indian from the British side of his parentage. To support this claim, we have the words of the present Governor of Burma, Sir Charles Innes, who, on the eve of his departure for Burma, at the end of 1927, said that as Railway Member he had had a great deal to do with the Community, and held the view that it had an almost hereditary aptitude for railway work. Further, the Railway Department always attached much value to the service of the Community, because it felt it could always rely on its loyalty in a crisis, such, for instance, as a strike. We accordingly trust that when comparative merits are being assessed, these collateral assets of the Anglo-Indian community will be given adequate consideration.

28. In this connection we feel it right to point out that the present policy of nationalizing the railways in India has materially affected the situation. So long as the leading railways were under Company management, the position was analogous to that of a

private employer, who appoints his staff regardless of political considerations, in what he believes to be the best interests of his business, and is not subject to outside pressure. It is significant that in the past these interests have been considered to have been best secured by the appointment of Anglo-Indians to certain responsible positions. If, owing to nationalization of the railways, appointments are in future to be influenced by political pressure, of which the debates in the Legislative Assembly give ample proof, it goes without saying that a minority community like the Anglo-Indian community requires adequate safeguards.

29. *State Employment Generally.* Apart altogether from the particular considerations applicable to the continued employment of members of the Community on the railways, it is submitted that there are fundamental considerations which support their petition, that their employment in other departments of the State should not be diminished. It has already been shown that they were brought into existence for the obvious purpose of serving the interests of the Chartered Company, and that among the manifold changes of policy adopted by the Company, the destiny of the Community was moulded to serve such purposes. It has been suggested that the Community now base their claim to State protection, not on their present merits, or on the service which they render to-day, and which they aspire to continue, but merely on their past history, seeking assistance in the future as a kind of compensation or reward for the merits of their ancestors. This is not the case. Their history is relevant as showing the constitutional and administrative purposes for which they may be said to be where they are; and their past service in, and for, the Government of India is relied upon as evidence that they have, throughout the period of British rule in India, faithfully discharged the duties which they were called upon to fulfil. Further, they confidently submit that those services, continuously and consistently rendered through all the changing phases of British control, have not only justified the reliance placed upon them, but have created in their minds a justifiable expectation of similar treatment and employment for the future. It is this very source of their material well-being, and their reliance upon the opportunities for service afforded by it, which have, on the one hand, led them to look mainly to the departments of State when seeking careers for their children, and, on the other hand, diverted them from other avenues of livelihood, and, in a great measure, rendered them less fit for what may be called the struggle for existence in free competition with the vast population amongst whom they live, in ordinary trading and other civic occupations.

30. It cannot be denied that they have shown peculiar aptitude for official life, and that, while they have derived from it special advantages, they have been encouraged to direct their energies in that channel. They have never taken part in any political movement, and if fresh steps in the direction of constitutional development, or of what is called "Indianisation," are to be taken at their expense, or without the safeguards on which they have hitherto, with confidence, relied, they have, for the moment, little or nothing upon which they can fall back. It is not that they are unwilling to make the necessary effort to strike out new lines for themselves, and by broadening and strengthening the education of their children, to find new careers for their posterity. But they are not, as yet, adequately equipped for meeting the changes in their fortunes, such as seem to threaten them. In this regard, they do not ask that new benefits shall be conferred; they only ask that what they have, and always have had, should not be jeopardized by any changes in the Constitution, so long as members of the community continue to perform their duties in State employment with diligence and efficiency.

31. It must be recognised that conditions in

\* NOTE.—According to Lord Curzon's statement out of a total of 308,000 persons employed upon Railways in India, only 7,000 were Eurasians, while according to the Indian Railway Report for 1925-27, the total number of employees was 763,097, of whom Anglo-Indians numbered 14,079; the proportion thus remaining the same as in 1900.

India differ from those in England. The frequent transfer of officials, for one thing, militates against the steady pursuance of any line of policy which vests any large amount of discretion in individual officers. For these reasons we cannot feel confident that any general instructions in regard to recruitment for appointments will be uniformly applied in the various provinces or by successive officers in the same province. We accordingly urge the appointment of impartial Selection Boards, which shall be free from political or communal bias, for recruitment for Central, Provincial and Subordinate appointments, as well as for ancillary Services. It should be the duty of such Boards to select candidates after due consideration of all their qualifications—paying due regard not only to their educational and social fitness, but also to such matters as reliability, sense of responsibility, tact, discretion, aptitude, physical fitness and practical experience or knowledge where necessary; and it should be a definite direction to the Boards that they should do nothing to disturb unduly or suddenly the conditions of any community which has been accustomed to resort to any particular avenues of employment.

32. Inasmuch as members of the community employed by Provincial Governments or in railway administration have sometimes felt the need of a right of appeal against decisions of the local Government, we desire that Government and other public servants belonging to the community shall be granted the right of appeal, not only to such Public Services Commission as may be created, but also a right of ultimate appeal to the Viceroy and to the Secretary of State.

33. In Great Britain there are no communal divisions, but in India the natural aptitude of certain communities to serve the State in certain capacities is fully recognised. The Indian Army is mainly drawn from the martial races of the North-West. When the Anglo-Indians asked for grants of land in the newly irrigated areas of the Punjab, they were told by the Governor that they were communally unsuited for work on the land. This Association is unable to admit the correctness of this view, since many Anglo-Indians have been zamindars for many generations, but it nevertheless, desires to draw attention to the admission of the principle of communal aptitude for certain occupations, and a striking illustration is the case of the Anglo-Indians in the railways, posts and telegraphs, subordinate medical service, customs, etc. We cannot envisage any constitution which would deprive the military authorities of the right to recruit for the fighting forces the personnel which they consider the best for the purpose required, and we ask that similar safeguards should be provided in the constitution in regard to Anglo-Indian employment in the Civil Services.

34. *Education.* If there is one thing more than another which is specially menaced as an outcome of the Reforms it is the education of the Domiciled Community. The distinctive character of European education has been recognised in the Rules framed under the Government of India Act. Though these Rules provide that European education shall be a "Reserved" subject under the control of a Member of Council, and not a "Transferred" subject under a Minister responsible to the elected Legislature, the grants-in-aid for the maintenance of these schools are voted for in the Provincial Council.

35. A deputation from the European Schools in India Improvement Association, composed of Englishmen, and headed by the Right Rev. Bishop Copleston, the former Metropolitan of India, waited on Lord Olivier, in May, 1923, and pleaded for a renewed assurance of the declared policy of the Indian Government to assist private enterprise by special grants to schools established in India for the children of British descent. It was pointed out that while private efforts had increased, the Indian Legislature had in some cases refused grants to meet

urgent and reasonable claims, and that schools were threatened with extinction.

36. In 1922-23 the Bombay Government reduced the grants for European schools by nearly one lakh (Rs96,286), owing, it is stated, to "financial stringency," while grants for other institutions were increased, *vide* Bombay Ed. Report for 1922-23.

In 1924-25, a reduction of Rs99,000 was made by the Bengal Legislative Council in the Budget estimate for European schools, and had this sum not been certified by the Governor, European Primary Schools in that Province would have found themselves in a very serious position, *vide* India Ed. Report for 1924-25.

In 1925-26 the Central Provinces revised the grants-in-aid for European schools, which were formerly assessed at *one-half* of the approved expenditure and reduced them to *one-third*, in order to bring them on to the same basis as Indian schools, *vide* C.P. Ed. Report for 1925-26.

In Burma, where European education is now a "Transferred" subject, the abolition of the post of European Inspector of Schools, and the large influx of non-Europeans has resulted in the lowering of the general tone and standard of the schools, *vide* Burma Ed. Report for 1922-27.

The two State Scholarships which were granted, one for boys and one for girls, to enable students to proceed to England for special courses of study, have, since the introduction of the Reforms, been withdrawn by the Central Government. Again, consequent on the substitution of the Indian Defence Force for the Volunteer Force, as a War measure, the grant for Cadets was withdrawn, but although the Defence Force has now been replaced by the Auxiliary (Volunteer) Force, and most of the High Schools still maintain Cadet Corps, which may be considered the nursery of the Auxiliary Force (India's second line of defence), the Cadet grants have not been re-introduced.

37. But what causes the greatest alarm to the community is the fact that the declared policy of Government, fixing the admission of Indians to European schools at 15 per cent. of admissions, is being violated, and an ever-increasing demand is being made on Managers of European schools to admit Indians in larger numbers, a demand which is being met in practically every Province. At the Conference on the Education of the Domiciled Community in July, 1912, Sir Harcourt Butler, the Education Member, gave an assurance on behalf of Government that there was no intention to alter such limit:—

"It is necessary to see that this percentage is not exceeded and that such schools are not invaded by children of purely Indian descent who pass themselves as Anglo-Indians."

In spite of this assurance the official reports on education show that the percentage of Indians admitted into European schools has increased in all Provinces. "If, as some urge, without sufficient consideration" (states the quinquennial report for 1917-22) "there is no restriction placed upon the admission of non-Europeans into European schools, there is a risk that in time the schools may lose their European character." Later reports show that provinces are now considering, and indeed some have already introduced, new codes to replace the former All-India Code.

38. The Domiciled Community in India are apprehensive that these measures will seriously affect, if not ultimately destroy, the British tone and character of their schools. They appeal to the Commission and to Parliament to save their schools from any action on the part of Indian politicians which would be fatal to the purpose and spirit of the European schools and which would militate against such schools equipping the Anglo-Indian community for the battle of life. In this appeal they have the full support of the whole European

population in India, and in his Minute on the conclusions of the Royal Commission on the Superior Civil Services of India, Sir Reginald Craddock, a former Governor and a member of the Commission, issued the following warning :—

"Except in Burma, European and Anglo-Indian education is under the *Reserved* side of Government, but the disposition of the Legislature towards it may at some time compel the Central Government to take it over. Europeans contribute very largely in proportion to their numbers to income tax and customs, namely to Central Revenues, and there would be a certain fitness if European education became the special charge of the Government of India."

39. The cost to the public funds of European education is very small (some 47 lakhs of rupees annually) compared with the cost of Indian education (more than eleven crores annually); but this charge upon public funds becomes even smaller when the saving to the Exchequer, through the employment of Anglo-Indians in the Auxiliary Force, is taken into consideration. It is admitted by Government\* that in determining the number of British Troops to be maintained in India, the existence of the Auxiliary Force (some 38,000) is taken into consideration. That is, if the Auxiliary Force did not exist, more British Troops would have to be entertained. The annual cost of the British soldier in India is Rs2,500 per head, of the Indian soldier Rs631, and of the Anglo-Indian of the Auxiliary Force, Rs187. Assuming, for the sake of argument, that in replacing the European Auxiliary Force, the additional contingent would be made up partly of British and partly of Indian Troops, say, at the rate of one-third and two-thirds respectively, the extra cost to the Indian Exchequer would be for British Troops Rs2,77,56,000, and for Indian Troops, Rs1,06,56,000; or a total of Rs3,84,12,000. And this saving in the employment of British troops has been going on ever since 1860, when the European Volunteer Force was first organised. A consideration of these facts makes it appear that a much more generous support of European education from public funds could be given without injustice to the Indian taxpayer.

Moreover, many of these schools have been established and endowed by private British philanthropy, and their continued maintenance in a state of efficiency is essential to the existence of the Domiciled Community, for, in the words of the late Lord Curzon :—

"Without efficient schools the Domiciled Community must degenerate rapidly in India."

Great Britain cannot, therefore, divest herself of this sacred responsibility. The Council of the Anglo-Indian Association, London, earnestly request that in conformity with Section 84 (a) (2) of the Government of India Act, 1919, the Royal Statutory Commission will include in their enquiry into the growth of education an investigation of the effect which the Reforms have had on European education in India.

40. In view of the public pronouncement made in the House of Commons by His Majesty's Government on the 21st December, 1925, that, for the purpose of education, the status of the Domiciled Community approximates to that of European British subjects, it behoves the British Government to protect the interests of the European schools from the damage to their efficiency and character that might result from a further advance towards self-government being granted to India. Indeed, we submit that the British Government is under a moral obligation which has been repeatedly admitted

by successive Viceroys from Lord Canning downwards. We are of opinion that this object can only be achieved by making European education a Central Reserved subject, and thus placing it beyond the influence of popular legislatures and racial antagonism. Such a course has already been adopted in the case of the Royal Military School at Sanawar for the children of British soldiers.

41. Apart from the objections already urged to European education continuing to be a Provincial subject, there is the further circumstance that the Anglo-Indian schools are so scattered throughout India that they cannot be efficiently organised or systematised on a provincial basis, nor can adequate training colleges be instituted unless the whole scheme of European education is under one controlling authority. We accordingly urge that in addition to European education being made a Central Reserved subject, it be administered by a British Inspector General of European Schools in India, in direct subordination to the Member for Education, Government of India, and that the Circles of the Inspectors under him should be defined with reference to the number and importance of the European Schools to be comprised in each Circle.

42. We suggest that the amount of the grants for European education should be fixed and allotted by the Central Government, and should be capable of alteration from time to time so as not to preclude the due development of education. We do not feel that it would be within our province to suggest whether the cost should be met from Central or Provincial revenues; but we merely remark that the Central rather than the Provincial revenues benefit from the community, whose contributions mainly take the form of income-tax, customs, and voluntary service which admits of a saving in military expenditure.

43. *Indianisation.* Arising out of the question of the maintenance of European schools in an efficient state, the following extract from the Educational Report for 1924-25 is instructive :—

"There is no doubt that owing to the increasing competition of Indians for appointments which have in the past been filled by Anglo-Indians, the pupils of European schools are finding it increasingly difficult to obtain employment."

Before the advent of the Reforms, members of the Domiciled Community were to be found in almost every department of the service of the Government of India. As explained by Lord Lytton, in his Minute of 1878 :—

"The Anglo-Indian cannot support himself in India by working as a day-labourer, or by adopting the avocation of the native peasant."

Consequently, the Anglo-Indian was so educated as to fit him for the higher avocations of life.

44. The following statement, recently made by Sir Michael O'Dwyer, an eminent ex-Governor of an Indian Province, and an official who has spent the greater part of his life in India, bears eloquent testimony to the manner in which the Community has contributed to the civil development and well-being of India, and completely refutes the charge that the Community has received "preferential treatment" in the past :—

"All of us who have served in India and know India, realise the great work accomplished by the Anglo-Indian Community; we also know that in the future, given the opportunity, they will play a great part. In the turmoils of political strife we are apt to forget the facts of history. Setting aside their military achievements and looking to the purely civil administration, you will find that most of the pioneer work in the Public Works, Railways, Medical, Posts and Telegraphs, and Inland Waterways was being

\* *I*de India Office letter No. M.1776/25, dated the 18th March, 1925.

done, and done well, by your Community at a time when there was nobody else to do it. In fact, if they had not been there to do it, it could not have been done at all. And shall it be said by your descendants that, having given your best at a critical time, you are now to be thrown aside like a sucked orange? I think it would be a most unworthy return for what you have done, and are still prepared to do, for India. In every great crisis your Community has shown its worth and its loyalty to the Crown, the Flag and the Empire, even though it has sometimes received step-motherly treatment from the authorities. Speaking from my own experience, I can say I have had many of your men serving under me in responsible judicial and executive posts, as magistrates, judges, collectors. I have seen them tried high, when men's courage and capacity are taxed to the utmost, and I have never known one of them to fail."

45. Further testimony as to the services rendered by the Domiciled Community to the Indian Empire is to be found in the remarks of another distinguished administrator, Sir Reginald Craddock, who, in his Minute on the Indianisation of the Public Services (already referred to) said :—

"The Provincial Forest Services have produced some excellent Forest Officers, many of them, it must be said, Anglo-Indians."

And again, referring to the Indian Medical Department, Sir Reginald wrote :—

"I have seen a great deal of the work done by the officers of this department, and I can only express the hope that this valuable supply will not be neglected by Local Governments. This department affords a very useful avenue of employment for the Domiciled Community, and has supplied in the past many capable district medical officers who, to my knowledge, have won the confidence of all classes of the community and all races."

46. Notwithstanding these eulogies of faithful services rendered by the Domiciled Community in every sphere of administration, they have been the greatest sufferers by the introduction of the Reforms, as evidenced by the amount of destitution prevailing in the community in the years following the war. As already explained in paragraph 14, they were now looked upon as aliens and British, and in spite of the safeguards which the authors of the Reforms laid down, the Governors were powerless to intervene under the law as at present constituted. Most of the services in which the majority of the Domiciled Community are employed are Imperial, such as the Railways, Telegraphs, Post Office and Customs, and it is in regard to these services that there have been persistent demands by the Indian politicians for the replacement of Anglo-Indians by Indians.

47. *Unemployment.* To add to their difficulties, retrenchments in the Railways and other public services were effected as post-war measures of economy. The Incheape Committee made drastic reductions in the cadre of the Indian Medical Department in obedience to the Indian Legislature's demand for economy in military expenditure. At such a critical stage, the Provincial Government could have helped by taking over such surplus officers, but the Provincial Councils were remorseless, and decreed that no further admission of Indian Medical Department Officers into Civil employment would be allowed, and here again the Central Government were powerless to intervene, since Medical, under the Reforms, was made a "Transferred Provincial" subject. That the retrenchments in the Indian Medical Department were, to a large

extent, unnecessary, is borne out by the fact that a number of discharged officers have been re-employed, which forces one to believe that whenever there is a cry for retrenchment or Indianisation, the Anglo-Indian Community are always the first sufferers. Indeed, the history of India proves that their interests have not infrequently been sacrificed on the altar of political expediency.

48. As further evidence of the inadequacy of existing safeguards, it may be mentioned that in 1925, in reply to a representation made by the London Association to the Secretary of State for India, on behalf of the officers of the Burma Provincial Forest Service, we were informed that as the officers of the service (mostly members of the Domiciled Community) were serving under the control of the Local Government, the Secretary of State was not prepared to entertain such representations except through the prescribed channel, to which they had already had recourse, but had failed to obtain redress. Thus, when a Provincial Government fails to remove a grievance or undo an injustice, there appears to be no higher tribunal to which the unfortunate officers concerned can look for redress, as they were able to do in the pre-Reform days.

49. We feel that the above recital of hardships and inequalities of treatment under the changed conditions now prevailing in India, will satisfy the Members of the Statutory Commission that reasonable and just grounds exist for the protection of minorities, such as the Anglo-Indian Community, whose economic position, as a result of the introduction of the Reforms, has been graphically described in the latest official Report "India in 1925-26" in the following terms :—

"For Anglo-Indians, the contraction of one of their great—possibly their greatest—sphere of employment in the Indian Railways, and the Government service generally, has been already noted in the discussion of European education in this country. At the present moment there is much distress among them on account of unemployment, and no feature of their circumstances causes more anxiety to the leaders of the Community than this. In most of the great cities of India, numbers of respectable Anglo-Indians are suffering distress which is rendered all the more acute when they consider the undeniably unpromising outlook of their children's future. There is, of course, no *a priori* solution of such a problem, but the better education of the Anglo-Indian children, and the training of them for professions, will do something to solve the problem of unemployment, and to raise their status generally."

50. The London Association commend this statement, prepared for presentation to Parliament in accordance with the requirements of the 26th section of the Government of India Act, to the serious consideration of the Members of the Royal Statutory Commission. They have only to add that in spite of its grievances and disabilities, the Community has remained loyal in times of strikes and boycotts, while the crimes which usually accompany destitution and unemployment are practically unheard of.

51. *Representation.* The Anglo-Indian Association of London view with apprehension the possibility of further rapid Indianisation, until such time as there is evidence of a distinct improvement in the present attitude of majority communities towards minority communities. They anticipate that if under the coming régime, a further weakening of British control and an augmentation of Indian administration is granted, their Community in India will be a helpless minority, inadequately represented on the Councils, and, liable to be crushed out of existence by the pressure of overwhelming numbers. Adequate communal representation, though not in itself a sufficient

safeguard, is essential in order that the community may make its voice heard effectively in the Councils. In view of the multiplicity of its divergent communities, and the disparity of their respective numbers, no system of popular government other than communal is feasible in a vast country like India, with its inherent racial antagonisms, its vast social differences and its hostile religions. We submit that any attempt to introduce a form of democratic government other than by communal representation, would be most unsuitable for India, as was rightly foreseen by the authors of the Reform scheme, who came to the inevitable conclusion that "no other mode is feasible," and that "the present system must be maintained." Like the Muhammadans and Indian Christians (who number over five millions), we of the Anglo-Indian community regard separate representation and communal electorates as necessary, and in order to render its voice effective, it is essential for the community to have additional members on the Imperial Legislative Assembly and also on the Council of State.

52. It is true that, as the community have a representative on the Imperial Legislative Assembly, they are nominally in a position to voice their grievances, but his voice is one of a multitude, and, however devoted to his political work, no single individual can adequately represent the interests and needs of the community in the various provinces of India and Burma, nor can he guarantee never to be absent from the House when questions affecting the community are under discussion. It has been the experience of the past that such questions arise in the course of debate without warning and on subjects foreign to matters directly affecting the community. Nor can one representative possess the local knowledge which is sometimes essential, or be in more than casual touch with the local feeling on a particular topic. We therefore consider that each major province and group of minor provinces, if not each province, should have representatives elected by the Domiciled Community.

53. Similarly, as regards provinces, the problems of the various Services (Medical, Forests, Excise, etc.), differ, and it is necessary therefore that the community should have adequate representatives on the Provincial Councils.

54. We feel that these representatives should not be nominated but elected. In this connection reference is invited to the remarks in para. 18, about the registration of *bona fide* Anglo-Indians. The preparation of an electorate roll would, it is assumed, necessitate such registration, for which the Collectors of districts would be responsible. Registration of Anglo-Indians would prevent the present practice of certain members of other Indian communities posing as members of the Domiciled Community.

55. *Appeals.* But though adequate representation is necessary, such representation does not in itself afford sufficient safeguards for a minority community against a community which alone might be able to outvote all other communities in the Chamber. In the present state of communal rivalry in India no constitution could guarantee justice to the Anglo-Indian Community unless it provided adequate safeguards, independent of the vote of popularly-elected council. We therefore feel that the community must press for the right of appeal to which resort can be had against possible injustice, and the Viceroy and Governors should be empowered to prevent the introduction of measures and to veto laws of a discriminatory character calculated to militate against the interest of any minority community.

56. *Conclusion.* We have endeavoured to show that in the past, when our Community had the opportunity, it has proved an asset to the British Government. If then it be desired to improve and elevate the Community and utilise it as a source of strength to the Empire, the protective policy of the past should be maintained towards it. Otherwise

there will be grave risk of its degenerating into one of the Depressed Classes of the Indian community, and becoming a source of embarrassment to the British Government.

57. The Anglo-Indian Community, in common with the European and other minority communities, has loyally endeavoured to make the Reforms a success, but this Association solemnly affirms, with all the power they can command, their belief that any scheme of responsible government which deprives India of British control would be disastrous, not only to the community, but to the British Empire as well. In the words of one of India's most distinguished Viceroys :—

"India is the pivot of our Empire. If this Empire lost any other part of its dominion, we could survive, but if we lost India the sun of our Empire would set."

Lord Curzon at Southport in 1893 :—

"Great Britain would be judged and remembered by the manner in which she had exercised the power, for some peculiar and inscrutable reason entrusted to her by Providence, over the many races which had become subject to her sway. It is only when you get to see and realise what India is—that she is the strength and greatness of England—that you feel that every nerve a man may strain, every energy he may put forward, cannot be devoted to a nobler purpose than keeping the cords that hold India to ourselves."

#### APPENDICES.

*Appendix I.* Extract from Despatch from the Court of Directors to the President of Madras dated the 8th April. 1687\* :—

"The marriage of our soldiers to the native women of Fort St. George, formerly recommended by you, is a matter of such consequence to posterity, that we shall be content to encourage it with some expense, and have been thinking for the future to appoint a pagoda to be paid to the mother of any child, that shall hereafter be born of any such future marriage, upon the day the child is christened, if you think this small encouragement will increase the number of such marriages."

Extract from Despatch from the Court of Directors to the President of Madras, dated the 25th January, 1688† :—

"Induce by all means you can invent, our soldiers to marry with the native women, because it will be impossible to get ordinary young women as we have before directed, to pay their own passages, although gentlemen sufficient do offer themselves."

*Appendix II.* Extract from letter from Dr. Richard Wilson, Surgeon of Trichinopoly, to Governor Rumbold and the Council of Madras, dated 12th June, 1778 :—

After describing the condition of the indigent Anglo-Indian population of Trichinopoly, Dr. Wilson suggested the following "national scheme," by which,

"This vagrant race may be formed into an active, bold and useful body of people, strengthening the hands of Dominion, with a colony of subjects attached to the British Nation by consanguinity, religion, gratitude, and manners."

\* India Office Records, Letter book No. 8, pp. 290 and 493.

† India Office Records, Range 240, vol. 46, p. 703. P.C.I.

Briefly Dr. Wilson's proposals were:—

"To gather into one establishment as many of these orphans as can be collected under the age of six years; to feed, clothe and maintain them in every respect until the 16th year; to educate them in the Protestant religion, and to teach them reading, writing, and a few rules of arithmetic during the first eight years. The last two years to be employed in training them up to a military life and discipline, which completed, they are to be led into the field or garrison for service. Thus happily principled and properly educated, virtue fixed in their minds by precept, their constitutions improved by temperance, and their bodies robust by exercise, they will no longer remain an obscure, vagrant and miserable race; they will assume a name; they will become a people bound to us by ties of religion and gratitude, ever willing and able to fight the battles of their fathers, and defend the possessions of the British Nation throughout Hindustan."

Continuing, Dr. Wilson said:—

"It has long been a severe and unanswerable reproach from the natives of this country that Britain, above all other Nations, have neglected and despised this their progeny, and perhaps we never appeared with more disadvantage in the eyes of the Foreigners than when considered in this light. In short it is to be hoped that three grand National Advantages may be drawn from the Establishment; the more effectual and extensive propagation of the Protestant religion in India, the seed of a powerful colony sown, and a very considerable and valuable addition to our Army obtained independent of our present resources."

It is stated that Government ordered that the papers should lie on the table for consideration. No further mention, however, is made of them, and Wilson's philanthropic scheme seems to have been permanently shelved\*.

*Appendix III. Extract from Political History of India, by Sir John Malcolm, K.C.B., on Indian affairs during 1784-1823:—*

"The descendants of Europeans by native mothers, usually termed half-castes or Anglo-Indians, if they do not form part of the English Community in India, are closely allied to it. Independent of those relations of blood by which many of them are united to this community, their common language, education, habits and religion, form ties which must always connect them; but on the other hand, differences of complexion, and situation of life, separates a great proportion of this race from the English Society; and as they are still more distinct from the native part of the population, they must be considered as forming a class of themselves. This body of our subjects in India has of late years occupied much attention of Government, both at home and abroad, and there appears an anxiety to adopt every measure which can raise it from its equivocal condition, and render it useful and respectable. . . . The date at which this part of our population can arrive at any numerical strength as a separate body is very remote; but they are almost all well educated, and have from this a consequence beyond what they derive from their numbers. . . . A just and generous Government will

not, however, have recourse to that narrow principle which apportion benefits by the power any class of its subjects have of enforcing them, nor will it withhold any reasonable boons, because it is offended by the temper in which they are solicited. Acting on different grounds, it will give to this, as to every other class of its subjects, that consideration which is due to their condition and which fulfils their reasonable hopes without a sacrifice of any essential interest of the Empire. Though placed under circumstances of depression and discouragement, this body of men has lost few opportunities of becoming useful and respected in the different walks of life to which their pursuits have been directed. We should continue, therefore, to cultivate their moral and religious principles, and while we institute and encourage seminaries for their instruction, upon an extended scale, we should provide the means of their future employment in the condition of life best suited to their respective situations and qualifications. If the justice of this proposition is admitted, the means of carrying it into execution will not be difficult, as they require no change in those salutary restraints in which the principles of both the civil and military services in India are now grounded. The execution of it will not impair our present, but lay the foundation of our future strength, by care which we bestow on an increasing class of our population, to render them useful and attached subjects. The real consequence of the Anglo-Indians, in the eyes of the natives and in their own, arises chiefly from their connection with Europeans. They cling to an origin which seems to exalt them, and are only driven by the rebuffs of slight or contempt to take measures by themselves as a detached body, with separate and opposite interests. The very pride they have in placing themselves in the rank of Europeans, while it makes them feel with peculiar sensibility every instance of scornful repulse which, from their anomalous situation, they must often be doomed to experience, affords the means of making them useful allies. In being so, they are in their natural situation: they are adopting the policy most beneficial to themselves, and, on the other hand, in treating them with kindness and consideration, we are only acting the part of wise and benevolent rulers; and the policy of our extending every consideration we can to this class is greatly increased by their recognised rights of holding lands, and of sitting upon juries, which latter has been given them recently. These privileges must gradually augment the influence of this class, and by giving them importance with the English Community, and themselves, will tend to improve their condition, and confirm their attachment to the State to which they owe allegiance."

A further extract from the writer's speech, delivered at a Court of Proprietors of the East India Stock, on 9th July, 1824, shows that the community were also unable to represent their difficulties in the Press. Sir John Malcolm, free Press in India

"But its effect on the European part of the community is a very small part of this question. Amongst the increasing part of the population called the half-castes, the sons of European fathers and native mothers, it would do infinite harm. This class must be viewed and treated as an infant society, and all the hopes we entertain of

\* *Vestiges of Old Madras. (1640-1800), vol. III.*

their advancement through the adoption of gradual measures for their instruction will be disappointed, if we adopt the free Press as the means of effecting that object. I have for many years given all the consideration I could to the unfavourable and depressed condition of this class. I entertain opinions (which this is not the moment to state) regarding the policy of their introduction to particular branches of the service, but I entertain no doubt as to that of every effort being made for their improvement . . . of every avenue that can be opened being opened, for the encouragement of that industry and talent which many of them possess in a very eminent degree. There are men in this class of society, whom I hold as dear as any friend I possess . . . among those, many in this Court share the regard I have for Colonel Skinner, who has so long commanded a large body of Native Horse, with honour to himself and advantage to Government. But with every desire to see this part of the population encouraged and advanced, I deem it essential for their good that their progress should be gradual in order that they may be fitted for the place they are destined to occupy in our Empire in the East." (App. VI., vol. II, *ibid.*)

Appendix IV. Extract from Lord Canning's Minute of 1865 :—

"If measures for educating these children are not promptly and vigorously encouraged and aided by the Government, we shall soon find ourselves embarrassed in all large towns and stations with a floating population of Indianised English, loosely brought up, and exhibiting most of the worst qualities of both races; whilst the Eurasian population, already so numerous that the means of education offered to it are quite inadequate, will increase more rapidly than ever. I can hardly imagine a more profitless, unmanageable community than one so composed. It might be long before it would grow to what would be called a class dangerous to the State; but very few years will make it, if neglected, a glaring reproach to the Government, and to the faith which it will, however ignorant and vicious, nominally profess. On the other hand, if cared for betimes, it will become a source of strength to British rule and usefulness to India.

"The Eurasian class have an especial claim upon us. The presence of a British Government has called them into being; they serve the Government in many respects more efficiently than the natives can as yet serve it, and more cheaply and conveniently than Europeans can do so; and they are a class which, while it draws little or no support from its connection with England, is without that deep root in, and hold of, the soil of India, from which our native public servants through their families and relatives, derive advantage."

#### I. ECONOMIC VERSUS CONSTITUTIONAL QUESTIONS.

2. It has been suggested that the considerations which the Community has submitted to the Commission raise economic, rather than constitutional questions. This is, undoubtedly, the case. But it is respectfully submitted that, in the solution of the problem of the future government of India, which the present Commission is now engaged in examining, with a view to making recommendations, the two questions cannot be divorced. In order to illustrate this, the London Association desires to make the following submissions :—

- (a) The declaration of the British Government in August, 1917, contemplating the extended employment in State service of the people of India, and the present demand for the extension of such opportunities of service, in themselves raise economic questions.
- (b) It has not been, and could not be denied that whereas, on the one hand, what has been called the Montagu-Chelmsford Report anticipated possible injury to the Anglo-Indian Community, experience has shown, on the other hand, that the constitutional changes then made have injuriously affected the economic interests of the Community by diminishing their share in State service, without providing them with any alternative. As a consequence, the economic condition of the Community has been directly injured, and they ask no more than that this injury shall be arrested by special safeguards, operating at least during the present generation.
- (c) Even in the case of an unwritten constitution like that of England, instances may be recalled of constitutional questions which were in essence, purely economic. Such, for example, were some of the measures adopted by Henry VIII in his quarrel with the Pope during the Reformation, and such, also, were questions which arose between Crown and Parliament during the Stuart dynasty.
- (d) It is submitted that this interdependence is even more marked in the case of written constitutions. Three instances of purely economic provisions are to be found in the most successful of all written constitutions, that of the United States of America :—
  - (i) The prohibition of an unequal capitation tax,
  - (ii) The prohibition of the imposition of duties upon inter-State exportation, were both provided in the original Constitution of the United States, while
  - (iii) The recent Prohibition of Liquor Law is provided by Amendment XVIII of the Constitution.

3. No difficulty ought to be experienced in drafting a provision affording protection to the Community, once the principle is accepted. The Act might contain a clause to this effect :—

During the period mentioned in the Schedule to this Act, in the departments and grades of Government service mentioned in the said Schedule the proportion borne by the number of Anglo-Indians actually employed to the total number employed in each such department or grade, shall not fall below the proportion which the number actually employed bore to the total on the 1st of January, 1929. The Secretary of State shall have power to revoke any appointment made in breach of this section to which his attention shall be drawn, and to give directions that a fresh appointment shall be made from among the applicants belonging to the said Community, and for the necessary consequential adjustments in the *personnel* of the department to be made. The Secretary of State shall have power, at any time, to amend the

SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE ANGLO-INDIAN ASSOCIATION, LONDON, TO THE INDIAN STATUTORY COMMISSION.

The London Association of the Anglo-Indian Community ask leave to submit a Supplementary Memorandum, dealing with two important points which appear to have emerged during the discussion relating to their future which took place before the Commission when sitting in India.

category of departments and grades contained in the Schedule.

4. Such a Schedule would contain a list of service and grades, such as Railway, Posts, Telegraph, etc., etc. The suggestion that it would be difficult, in practice, to work such a provision is met by the observation that it has never been tried, and by the provision that, in the event of it breaking down in any particular case, the Secretary of State could remove the particular department from the list. This power of amendment also meets the strange objection, which has been raised, that before the expiration of the stipulated period railways in India might be superseded by another form of locomotion.

5. Such a clause could be accompanied by the creation of an independent Board for the selection of candidates, as the Community has already submitted, the object being to secure non-political and duly proportioned appointments. Such a provision would not differ in principle from some of the recommendations made by the Lee Commission.

## II. EDUCATION.

6. The Anglo-Indian Community in India, as well as their members in England, are fully conscious of the necessity of giving special attention to the education of their children with a view to meeting the diminution in State employment, and other forms of official employment, upon which they have largely depended in the past. They recognise that the standard both of the teacher and of the teaching needs to be kept at a high-level, and in places requires raising. But they submit that the standardisation of qualifications for certain classes of appointment, such as the insistence upon the qualification of a University education, may operate unequally, and become a source of hardship to the Community, and in practice exclude Anglo-Indians who are well-qualified. For while, on the one hand, the residence and social life involved in a University career are often beyond the means of Anglo-Indian youths, while they are cheaper and easier for Indians, on the other hand the facility with which degrees are granted and the imperfect knowledge of English often possessed by Indian graduates, detract from the practical value of the degree, which cannot seriously be regarded, though it is in fact required, or is going to be required, as either essential or useful for an engine-driver, a guard, a ticket-collector, or a telegraph signaller.

7. It will not be denied by anyone conversant with the conditions in India that in order to enable members of the Community to avail themselves of the opportunities of raising their general standard of education, statutory safeguards will be necessary to protect them against the attacks which it may be confidently anticipated will be made in the future, as they have been made in the past, by political parties, upon the provision made by the Government for the assistance of European Education. The members of the Community will obviously be powerless, with their small and practically impotent numerical representation, to protect themselves, in the case of such attacks, by the constitutional methods ordinarily adequate in a free constitution. This condition of affairs is not the fault of the Community, but, on the contrary, constitutes their strongest claim for special protection. The problem of affording due protection to minorities in the re-arrangement of Europe under the Versailles Treaty, is at once the most acute and pressing, and the most troublesome of those which confront the League of Nations. It has been generally recognised that toleration is the best policy. It would be strange that while, on the one hand, in answer to the claim of the community to be afforded special protection in the matter of State employment they are told that they must seek to protect themselves against gradual extinction by improving the education of their children, and by entering into free competition with other communities, the financial provision should, on the other hand, be withheld from them which

alone can make a resort to this alternative even a bare possibility.

8. It is submitted by the London Association that the Community have in the past faced and endeavoured to solve the problems involved in the adequate education of their children. The claim of the Community that its members have never shirked the financial burden is a just one. They owe much to the munificence of their wealthier members and of their friends, in the past. They have borne their own share of the burden in the payment of fees to the full extent of their capacity. \*It is well-known how limited this is, in view of the struggle, especially under post-war conditions, to maintain their accustomed standard of living on European lines, with their restricted pecuniary resources. They now feel that the deliberate and thorough re-organisation of "European" education, with the object of enabling the members of the Community to hold their own in the changing conditions of India is essential, but that it is beyond the means of the Community, even with the assistance hitherto given by Government, to effect this. The Conference on European Education, held at Simla, in 1912, was practically barren of results because of the Great War and the introduction of the Constitutional Reforms, which prevented the findings and recommendations of the Conference being given effect to.†

9. The letter from the Government of India, dated 11th September, 1928, in reply to the 1923 and 1925 Deputations from the Community to the Secretary of State, recognises "the vital importance . . . of improved standards of education," and states that "the Government of India propose to give their most careful attention to the important problems of education, which, if they can be solved, are likely to provide the true remedy for the dangers that at present threaten the Community."

10. The London Association appreciates that the reply to the Secretary of State was not intended to be final, and that advantage may properly be taken of the interval between such reply and the Report of the Statutory Commission, to make such additional submissions as may have become appropriate during the interval.

11. It may be observed that the above-mentioned Reply, so far as it dealt with the request that European Education should be classified as a "Central Subject," appears to be based upon the misapprehension that the request was made merely to secure the objects of (b) preserving the integrity of European schools; (c) maintaining Government grants; and (e) "European sch . . ."

This is not the case, and the rejection of the request, so far as the said Reply is concerned, is based upon an entire misconception, and the whole substratum of the reasoning upon which the negative answer is based disappears. The request is based upon other considerations, as the succeeding paragraphs will show.

12. The Central administration of European education is advocated because it is believed that the organisation of the education of the Community as a whole is necessary in the interests of the Community as a whole. The standard of departmental direction, on the one hand, and an appreciation of the true measure of financial requirements on the other, are more likely to be consistent throughout the whole of British India and to be inspired by broad views when under Central control than they would be under Provincial control.

13. It was suggested to a witness who gave evidence before the Hartog Commission that such a change would place the Community, in its efforts to obtain further grants, at the mercy of a single individual. There is no substance in the suggested objection.

\* Vide paras. 390-91 (p. 193) of *Progress of Education in India 1917-1922*.

† Vide para. 389 *ibid*.



## ALL-INDIA KURMI-KSHATRIYA ASSOCIATION.

It might with equal force be urged against the decision of the Secretary of State, or of the Viceroy. It would have the same theoretical force when applied to the Educational Minister in each Province. If it has any force at all, the Community would prefer this risk at the headquarters of the Government of India, in the case of a single Minister, acting along a settled line of policy, and consistently with himself, to the risk of being subjected to a number of different decisions by different individuals, in different Provinces, differing probably both in principles and practice.

14. If the subject were centrally administered, the Community would not be exposed to the risk of attacks by different political enemies, in different Assemblies, attacks framed on different lines, but contemporaneously delivered, and each requiring separate defences, and separate handling by an already overworked representative, acting single-handed against an organised nimble and calculated attack. It would only have one concentrated source of attack to fear. In the case of such a small ill-organised body, unequipped for political struggles, this would be a valuable safeguard, and really a measure of bare justice.

15. The fact that a number of officers employed in State service, particularly on the railways, are frequently transferred from one province to another, is a strong argument in favour of homogeneity of administration. This applies particularly to Inspectors, Codes, and Syllabus.

16. The question of maintaining a standard of definitely religious teaching, which may not improbably become more prominent and more acute in years to come, is one which can be left with more confidence to a State Department of the Central Government, than to the discretion of a Provincial Assembly or Minister.

17. Finally, it is submitted that notwithstanding Lord Canning's impressive recognition of the need for placing European education upon a proper footing, and the subsequent introduction of Government grants in aid of European schools, the question of European education has never been thoroughly dealt with. The failure of the existing educational system to fit the Community to hold its own in India is sufficient evidence of this.

The full responsibility for school education has now been assumed by the Governments of most civilised countries, with the object of securing for each member of the community the education that will enable him to play the best part he can as a citizen. No doubt, this is not yet fully the case in India, but it is urged that the Government of India should definitely accept this responsibility in respect of the Anglo-Indian and Domiciled European Community, partly because of the history of that Community, which makes it equitable that the Government of India should do something to conserve it, partly because, from the point of view of education, it is a homogeneous community and the problem, therefore, a comparatively simple one, and partly because it is a small community, and the financial questions involved of proportionate significance. In this connection it may not be improper to remind the Commission that the proportion of the total cost of European education now borne by the Government of India is considerably less than the proportion contributed from public funds towards the cost of secondary education in England, and that the saving to the Government in military expenditure, owing to the fact that members of the Community from a preponderating proportion of the Auxiliary Force in India, is admitted.

## Memorandum submitted by the All-India Kurmi-Kshatriya Association.

### INTRODUCTION.

The present Reforms were inaugurated under the Government of India Act, 1919, which followed the declaration of rights contained in the King's proclamation of August 20, 1917. Gradual development of self-governing institutions with a view to progressive realisation of responsible Government in India as an integral part of British Empire and the increasing association of Indians in every branch of administration constitute the object of the said Act. The Statutory Commission has, according to its terms of reference, to inquire into the working of the system of Government, the growth of education, and the development of representative institutions in British India and matters connected therewith. It is required to report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government now existing including the question whether the establishment of Second Chambers of Local Legislatures is or is not desirable. The experience of the last three elections and the working of the Reformed Constitution for nearly a decade has proved beyond doubt that the benefits of the Reformed Constitution and the franchise thereunder were not fully enjoyed by those communities which were backward in education and which in the social fabric of the country did not occupy a position to command a brotherly response from other and more advanced communities. They have not been able to take part, much less to enjoy their full share, in the increasing association of Indians in every branch of administration on account

of the drawbacks noted above. It is the sad experience of these communities which makes them say, in the words of Sir Ali Imam, "that as long as we have not learnt to overcome sectarian aggressiveness, to rise above prejudices based on diversity of races, religions, languages and to alter the alarming conditions of violent intellectual disparity among the peoples of India, so long British occupation is the principal element in the progress of the country." Full responsible government cannot be realised unless and until all the different elements of society are equipped with a sense of responsibility to each other and are in a position to expect that responsibility from others. The alarming conditions of violent intellectual disparity, added to still more alarming conditions of social inequality, require special precautions to be taken in order to safeguard the jeopardised interests of the weaker by those on whom rests the ultimate responsibility for the general welfare of the country. The demands which have been formulated in this Memorandum have been formulated in the spirit, not of aggressive sectarianism to gain an upper hand on any other sister community, but in the spirit of self-protection against the undue predominance of certain more advanced communities. The desire of the Community in submitting this Memorandum is to secure for itself that protection by which it may be able to develop itself socially as well as educationally, to stand abreast with the other sister communities in the self-governing India and to enjoy its full share of the rights of citizenship in the future self-governing institutions peacefully in a spirit of brotherhood with such communities. In the present state of

intellectual and social disparity a peaceful development of self-governing institutions is extremely difficult, if not impossible, and the community has a right as British subjects to expect from the British Government that its demand of justice to its claim of self-protection will not go unheeded when a reformed constitution is formulated. This Community has ever remained loyal to the British Government. The verdict of history is in its favour, for during the Mutiny it was the Madras troops, consisting largely of Kurmi-Kshatriyas, who stood fast to their colours and assisted the Government in maintaining peace. Thus it can claim fullest hearing on the important problems which His Majesty has called on the Royal Commission to study.

#### SECTION I. PREAMBLE.

The All-India Kurmi-Kshatriya Association, in placing before the Statutory Royal Commission appointed under the Government of India Act, 1919, its views on the problems which are within the scope of the present enquiry, feels it essential at the outset to explain the position, in general, of the Kurmi-Kshatriya Community inhabiting this vast continent of India, which it has the honour to represent and on whose behalf this Memorandum is submitted and, in particular, its own position.

This community is scattered all over the country and forms nearly one-seventeenth of the total Hindu population. They are designated as Kurmi-Kshatriyas in Northern India, and by other names in different parts of the country, such as patels, patidars, reddies, etc., and claim to belong to the Kshatriya races of the ancient Aryan stock. Kurmi-Kshatriyas can justly claim to be the prop of Indian Democracy and their importance in the political development of the country cannot be exaggerated. Almost every one of the Community was once a soldier, who, fighting in defence of his Motherland under adverse circumstances, settled down as a law-abiding and peaceful agriculturist, though he kept up the fire of his race for generations thereafter. In the dark middle ages, when India was torn ruthlessly in the North by foreign invasions and the fair fields were mercilessly devastated by rival marauders, this Community sank into political oblivion, although it seems to have retained its Kshatriya character by becoming leaders of small village communities in different parts of the country. When the political condition of the country became a little more settled during the early period of Moghal Rule, its position seems to have improved and with the rise of the Maratha power it again took part in the political activities of the country. With the advent of the British Rule, the fighting spirit of the Community found but little scope, with the result that the members of this Community were reduced to the position of mere village patels. Ever since, they have been treated more or less indifferently and the competition of other communities has kept them confined to the soil for a pretty long time.

The Kurmi-Kshatriya Community includes within its fold the following sub-communities and the strength of the population of each is noted against it :—

1. Kurmi-Kshatriya	..	37,85,908
2. Kapus	..	33,79,328
3. Telangas	..	10,66,311
4. Saithwar	..	1,23,424
5. Patels	..	49,680
6. Rajbansi	..	18,18,676
7. Rawat	..	71,604
8. Sindhi	..	8,58,054
9. Vokkaligar	..	13,02,552

Throughout the country this Community has various institutions in different parts working for its amelioration. Of these, the Gujrat Patidars Association and the Mysore Vokkaligar Sangh deserve a special mention, but the All-India Kurmi-Kshatriya Association is the only organisation which can claim to be the Central body representing all units. The need of a Central Association to utilise

all the forces towards a unification and nationalisation of such a vast community was felt as early as 1909, and this A.I.K.K. Association was founded. The Community stood at that time in urgent need of an organisation, as the different Associations of sub-communities mentioned above were naturally unable to cover the whole field. The chief aim of this Association is to uplift the Community socially, economically, educationally and politically. The managing body of this Association is elected annually by its members in the various provinces and contains representative men of every sub-community, among whom are many distinguished ruling Princes and the acknowledged political leaders of the country.

On account of the appalling ignorance of the masses, the Community has not been able to reap the full benefits of the political rights which have been granted to the country recently, partly for want of encouragement from the Government and mostly for the predominance of the oligarchy of the so-called advanced classes of the country. The Association has, from time to time, passed resolutions requesting the Government to recognise and protect its claims, but, unfortunately, they have not received due attention of the Government. The following are some of the resolutions passed by the Association :—

1. " That this Association of the Kurmi-Kshatriyas of All-India is strongly of opinion that the time has already come when the Government will be pleased to introduce at once a free and compulsory system of primary education in India."

2. " That this Conference humbly requests the Government to increase the number of agricultural schools and colleges in the country and to locate them in thickly populated districts attracting the students of the K.K. Community by liberal grant of scholarships."

3. " This Conference is of opinion that the exclusion of certain sections of the Kurmi-Kshatriya Community from military service casts an unmerited slur on the whole Community. It therefore prays to the Government to remove that slur by providing means for enlistment of all the sections of the Community in the British Army as regular combatants."

4. " Resolved that in spite of the pronouncement of the Government that ' Kurmis constitute a respectable community which the Government would be reluctant to exclude from Government service,' they are still somehow excluded by Government officials responsible for the appointment. Therefore, the Conference requests the Government to issue orders to Government officials not to overlook the claims of the Community and to make the necessary amendments in the rules."

5. " Resolved that this Conference urges upon the Government to continue the recruitment of the members of the Community in the military service and form entirely separate units of the community like those of Brahmmins, Jats and Ahirs in order to maintain the traditional military spirit of the Community."

6. " This Conference expresses its deep sense of regret and indignation at the alarming interpretation placed upon section 51D sub-section 4 of the Oudh Rent Act, coupled with section 87 of the Land Revenue Act, in excluding this caste as a whole from the benefits conferred by the section and respectfully, but most emphatically, urges upon the United Provinces Government to issue necessary instructions to special officers in charge of record operation to recognise the claims of the Community, both as Kshatriya and advanced agriculturists in the matter of concessional and favourable rents."

7. " In the light of the experience of the present system and the results of the past eight years, this Conference is certain that unless special representation is given to the agriculturists in Councils, their rights cannot be protected. This Conference, therefore, urges upon the Government the necessity of giving separate representation to the agriculturists in proportion to their number as has been given to the zamindars, and considering such as agriculturists

as pay Rs50/- to the Government as revenue and cultivate three-quarters of their land."

8. "This Association requests the Government of India to give adequate representation in Public Services to this Community, that is, to inform the Managing Committee of the Association of vacancies whenever they occur and to authorise it to certify and send candidates."

## SECTION II.

### SELF-GOVERNING INSTITUTIONS AND LEGISLATURES.

The electorate, being the foundation upon which responsible Government rests, calls, therefore, for primary consideration. The Association considers the Local Self-Governing Bodies as the initial training ground for the electorate and recommends that where village Panchayats are not in existence, they should be formed on the widest possible franchise with limited powers of taxation to cover the cost of village administration and that the electorate for District Boards and Municipal Bodies should be made as wide as possible with provision of power to the Local Self-Government Department to take over and administer these bodies in the event of mal-administration.

Education has spread less among the Kurmi-Kshatriya Community than amongst others. Thus the political sense of an average member of the other communities is necessarily above that of a Kurmi-Kshatriya. Further the elector of other communities possesses an innate collective sense and whatever may be his individual opinion, he follows the lead of the majority of the intelligentsia of his community who are responsible for forming the majority opinion. In the general elections which have taken place after the inauguration of the Reforms, personal influence of candidates has swayed the choice of electors. Having realised vaguely that the franchise has conferred some sort of power on him, the elector instead of using the power for the proper selection, according to the merits of a candidate seeking election, finds in it a ready instrument to turn to his profit. It is in this way that the rural area has lost rather than gained from this system. The Association suggests a careful examination of the interests represented by the present sitting members in the Provincial Legislatures and recommends reservation of seats for agricultural, landed and business interests, and labour and depressed classes strictly in proportion to their strength of population. The experience of the last three elections has made it clear beyond all doubt that the present system has given a predominating chance to the landed and commercial magnates and had put the interest of the agriculturists and labour classes at their mercy. But for the support which was given to these interests by the official block, many of the measures dangerous to such interests would have become law. Over and above the seats reserved for them they have, by their force of money and powerful influence, which they still exert over poor and illiterate tenants and labourers, secured an overwhelming majority of seats in the general electorate. It may be argued that this is due to the weakness of the people but the weakness of the people is a hard fact which cannot be removed so soon. Illiteracy and poverty which conduce to this weakness it will take considerable time for any reforms to remove from the people. Hence it is absolutely necessary that these interests should be guarded by a reservation of seats to them and specially so in the provinces where landed and commercial interest are so protected.

The hard facts and figures prove it conclusively that the reservation of seats for backward classes is very essential for their uplift all round so long as they are not brought up to the level of the so-called advanced classes. This Association, therefore, recommends that a statutory provision should be made for the reservation of seats for these classes as pointed out above.

## SECTION III.

### PUBLIC SERVICES AND DISCRIMINATORY LEGISLATION.

The Kurmi-Kshatriya Community numbers about one crore and a half as shown above. It is educationally one of the most backward communities. The chief causes of this backwardness are (1) that it has practically received no encouragement from the Government, (2) that residing as it does in the rural areas generally, it has less facilities for education than other communities, and (3) that the educated of this community on account of their social difficulties have less chances for success in life than those of the other communities.

That the community has liking for education can not be denied, inasmuch as since the very time the University Education was inaugurated in India, men of this community took advantage of it and in certain parts of the country the community has produced men who can compete with the best intellects of the country. Yet their number in the public service is almost negligible. The community has ever remained loyal to the British Government and is paying the highest revenue paid by any other agricultural community. The response, therefore, which it has received as yet from the Government in the matter of public service is disappointing. With the inauguration of the Reforms in 1919, which promised an increasing association of Indians in the administration of the country, it was expected that the community would receive sufficient encouragement in this direction but all in vain and matters have not improved in the least so far as this community is concerned. This Association is, therefore, of opinion that in order to improve the social as well as the economical conditions of the community and to encourage the spirit of education among them, it is necessary that at least one seventeenth of the services in all branches should be reserved for the community and immediate steps should be taken to fill future vacancies in them by preferential recruitment from the community and at least one judgeship in each High Court except the Punjab should be thrown open to the community.

There are discriminatory legislations in some of the provinces as regards the assessment of land. To take an example, in the United Provinces of Agra and Oudh, the Kurmi-Kshatriya Community has to pay more land revenue than the so-called advanced communities on the ground that it itself cultivates the land. The Community has suffered much and is still suffering from such injustice. This Association is, therefore, of opinion that there should be an adequate statutory provision for any discriminatory legislation against any particular section or community in matters of taxation and that the Governor should have the power of vetoing any such law as appears to be unfairly directed against any particular section or community.

## SECTION IV.

### PROVINCIAL SENATES.

The Indian provinces forming the sub-continent of India are inhabited by heterogeneous races peoples and communities with different traditions and culture. These various sections of the people differ widely from one another not only educationally socially and economically, but also in many other ways. It will, therefore, take a considerably long time to mould them into one common nationality. The Provincial Legislative Councils when further popularised will be more or less ruled by the majority and undesirable laws may often be enacted.

This can be checked by giving the Governor power to veto or withhold his assent to any legislation or administrative measure which he considers to be detrimental to common interest, but this is very likely to strain the relations between the Governor and the Council, and this is not desirable. This Association, therefore, recommends the creation of Provincial Senates to have a check over popular

Councils and these senates should be composed of representative men of outstanding merits taken in strict proportion to the population of all communities.

## SECTION V.

## GENERAL.

The present system of land tenure in most parts of India is far from satisfactory and requires to be changed radically. This Association, therefore, would recommend that in the future political organisation of India, enough provision should be made by statute for safeguards regulating the land tenure of the country and hence protecting the rights of the peasantry.

In view of the peculiar circumstances and the customs prevailing in some parts of the country, the Association feels it necessary to emphasise the fact that statutory provision should be made to give rights to citizens to the free use of the roads.

In view of the general poverty of the country, this Association thinks that primary and secondary education should be made universally free. The association has passed resolutions, from time to time,

in this connection and has thereby urged on the Government its urgent necessity.

## SECTION VI.

Summary of the suggestions and safeguards:—

1. Proportionate representation of the Kurmi-Kshatriyas in Legislative Councils, Legislative Assembly and the Council of State.
2. Proportionate State aid in spread of education.
3. Adequate representation of the Kurmi-Kshatriyas on all the Local Self-Governing Bodies.
4. Proportionate representation of the Kurmi-Kshatriyas in the Army and Navy.
5. Proportionate representation of the Kurmi-Kshatriyas in Public Services.
6. Appointment of one Judge in each High Court except the Punjab to give an impetus to education and social uplift of the community.

In conclusion, we trust that your Commission would give the best possible consideration to the proposals made in this Memorandum.

We wish your Commission every success.

## INDIAN STATUTORY COMMISSION

### INVITATION TO SUBMIT MEMORANDA

1. The Indian Statutory Commission invites the submission of written statements or memoranda, both from official and non-official sources, from representative associations, local bodies, and responsible individuals on any of the subjects which fall within the limits of the enquiry which it is about to undertake. Before the Commission returns to India in October a programme of its sittings in various centres will have to be drawn up. The written statements or memoranda now called for should be prepared and sent to the offices of the Commission as soon as possible in order that the Commission may appreciate the main issues to be raised and proposals to be urged before it hereafter and in order that it may make arrangements beforehand for the orderly conduct of its subsequent enquiry.

2. Such written statements or memoranda as are ready before the Commission leaves India on March 31st should be sent by registered post addressed to "The Indian Statutory Commission, Camp, India." After this date the Commission will maintain its own Office in India, where further memoranda will be received on its behalf. They should be sent by registered post addressed to "The Indian Statutory Commission, New Delhi Office, New Delhi," from which office they will be transmitted to the Office of the Commission in England.

3. Twelve copies of each memorandum are required in the first instance. Further copies may be called for hereafter, if the proposed Indian Committees are set up in time.

4. It is most desirable that these memoranda should be delivered to the Offices of the Commission as soon as possible, and in any event *not later than June 1st next*. If for any special reason particular documents cannot be delivered till later, the Commission will be glad to be informed of the circumstances and will do its best to deal with them, but the organization of the Commission's enquiry makes it essential that the written material, much of which has doubtless already been prepared, should be promptly presented.

5. The terms of reference under which the Commission is acting are as follows:—

It is "to enquire into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith," and it is "to report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable."

6. The Commission has already had the advantage of informal interviews with important and representative bodies and deputations both at Delhi and in several Provinces, and has been much assisted by these interviews in appreciating the nature of some of the main questions which it will shortly begin to investigate.

7. The Appendix to this notice contains a list of some of these topics (though the list does not profess to be exhaustive), and written statements or memoranda are also invited on any other subject within the Commission's terms of reference. It will be understood that those who submit memoranda are not expected or required to deal with all the subjects

mentioned in the Appendix but only such of them, or with such other subjects, as specially concern the case they are putting forward.

8. The Commission attaches special importance to the written material which it is now inviting, for in many cases the memorandum will speak for itself, while in other cases the Commission after considering the memorandum (with the assistance of Indian Committees if these are appointed) will intimate whether it desires to hear oral evidence in support of the memorandum and will endeavour to make the most convenient arrangements as to when and where this oral evidence shall be taken.

9. Every memorandum should be dated and signed by or on behalf of those who present it, and should give the address to which any communication from the Commission regarding it should be sent. As already stated, there will be many cases in which the memoranda submitted will themselves sufficiently convey to the Commission the views of those submitting them, but in cases in which it is desired to tender to the Commission oral evidence in support of any memorandum, the document should end with a clear statement giving the name and address of the witness who will be ready to come forward, if required, for examination and cross-examination.

10. Memoranda submitted in a representative capacity should contain a clear statement of the nature, extent and membership of the organization submitting them. When a statement is put forward on behalf of a class of persons, the Commission wishes to have a sufficient indication of the number of individuals who actually authorize it.

OFFICE OF INDIAN STATUTORY COMMISSION,  
CAMP, INDIA.  
6th March, 1928.

J. W. BHORE,  
S. F. STEWART,  
Secretaries.

#### APPENDIX.

*Note (A).—*For the purpose of illustrating the meaning of the main heads below, some of the questions arising under each are given.

*Note (B).—*Replies need not deal with the whole field covered by the heads, but should be limited to the particular matters to which it is desired to draw attention.

*Note (C).—*Suggestions for the future are invited, as well as observations upon the structure and working of the existing constitution of British India. The Commission will be specially glad to receive any draft constitutional scheme which has been worked out beyond the stage of merely general propositions.

1. *The representative system as applied to British India, e.g. :—*

- (a) The basis of the franchise.
- (b) Methods of election.
- (c) Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing provincial and central representative bodies.
- (d) The relationship between representatives and constituents.
- (e) The growth of parties.
- (f) The growth of informed public opinion.
- (g) Nomination of officials and non-officials as additional members of elected bodies.

2. *The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions, e.g. :—*

- (a) Local self-governing.
- (b) Provincial, including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces, and of proposals for division of existing provinces.

3. *The local self-governing bodies (Municipalities, District Boards, etc.) and their relationship with the Provincial Government, e.g. :—*

- (a) Constitution.
- (b) Functions.
- (c) Relationship with officials of Provincial Government.
- (d) Control by Provincial Government.
- (e) Finance.

4. *The Provincial Governments, e.g. :—*

- (a) Constitution.
- (b) Working of dyarchy.
- (c) Position and powers of Governor.
- (d) Position of Ministers in relation to Governor and Members of Executive Council.
- (e) Relationship of Ministers to each other, and question of collective responsibility.
- (f) Growth of party system in the Provincial Councils.

(g) Working of particular departments.  
(h) Classification into reserved and transferred subjects.

- (i) Desirability of Second Chambers.
- (j) Question of provincial autonomy. [See also 6 (a) and (b).]

(k) Finances of Provincial Government and Financial Control. [See also 6 (c).]

(l) Financial relations between reserved and transferred sides of the Government, including the question of the joint or separate purse.

5. *The Central Government, e.g. :—*

- (a) Constitution.
- (b) Position and powers of the Governor-General.
- (c) Relationship of Governor-General to his Executive Council.

(d) Relationship of Governor-General to the Legislative Assembly and the Council of State.

(e) Position of the Executive.

(f) Question of the responsibility of the Executive to the Legislature.

(g) Relationship between the two Houses.

6. *Relations between Central Government and the Provincial Government, e.g., in regard to—*

(a) The extent of the power of superintendence, direction, and control to be exercised by the Central Government.

(b) The classification of subjects as central and provincial.

(c) The financial relationship between the Central and Provincial Governments, including the Meston Settlement.

7. *The Courts and the Judiciary.*

8. *The Constitutional problem in relation to such vital matters as—*

- (a) Law and order in British India.
- (b) Justice in British India.
- (c) Defence of India.
- (d) Social progress in British India.
- (e) Federation in India.
- (f) The status and position of India in the British Empire.

9. *The relationship between the Central Government, the Secretary of State and the British Parliament.*

10. *The position of the Services, e.g. :—*

- (a) Indian Civil Service.
- (b) Other All-India Services.
- (c) Provincial Services.
- (d) The question of recruitment and of Public Services Commissions.
- (e) Indianization.

11. *The Growth of Education.*—The Commission will shortly be making a special announcement as to this branch of the enquiry, but it does not wish the preparation of memoranda on this important topic to be delayed. Documents dealing specifically with it should be marked "Growth of Education" in the top left-hand corner.

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Burma League  
 Burma Moslem Comm.  
 —Moslem League

